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Legislative Assembly of Ontario

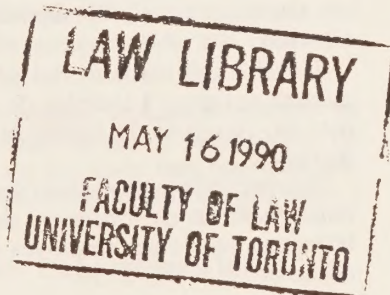
Second Session, 34th Parliament

Official Report of Debates (Hansard)

Thursday 26 April 1990

Standing committee on
General Government

Organization



Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le jeudi 26 avril 1990

Comité permanent des
affaires gouvernementales

Organisation

Chair: Harry Pelissero
Clerk: Franco Carrozza

Président : Harry Pelissero
Secrétaire : Franco Carrozza

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 26 April 1990

The committee met at 1014 in room 228.

ORGANIZATION

The Chair: I would like to recognize a quorum. I would call to order the meeting of the standing committee on general government. Pursuant to a request by Mr Runciman to establish a subcommittee, the committee today will be establishing a subcommittee, as laid out in standing order 123(b). Maybe I will turn it over to Mr Runciman and then, I believe, Ms Bryden has a question.

Mr Runciman: I am not sure how you are going to deal with this. Are you looking for a motion from me?

The Chair: I think that is what would be most appropriate.

Ms Bryden: On a point of order, Mr Chairman: It seems to me we are putting the cart before the horse. First of all, we have to establish a subcommittee on committee business, as the motion on page 1 is, which means that we can act as a steering committee on committee business.

The Chair: Okay, maybe I will ask the clerk to—

Clerk of the Committee: This specific committee has specific duties under the standing orders, but you are correct in the way that we already have a steering committee.

Ms Bryden: Set up from the last sitting.

Clerk of the Committee: Already set up from the last time, when we dealt with Bill 68.

Ms Bryden: I cannot understand why we have this page 1 motion here.

Clerk of the Committee: This specific motion deals with specific matters. For instance, under standing order 123, when the subcommittee meets and discusses the matter, sets dates, sets witnesses and prepares a report for the full committee, that report will be automatically accepted under this committee, under standing order 123.

Mr Runciman: Just a comment: Perhaps all members are aware of this, but this is a result of the changes made to the standing orders some time ago that allow both opposition parties to have a matter put before the committee for, I think, a maximum of 12 hours.

Clerk of the Committee: That is absolutely correct.

Mr Runciman: And that provides us with that opportunity.

Ms Bryden: I understand that, but has our steering committee met to plan the business of this committee since we resumed sitting?

The Chair: No.

Ms Bryden: Do we not have any bills or items referred to us?

Clerk of the Committee: There are no matters before the committee at all.

Ms Bryden: There has not been anything.

The Chair: This is why the clerk felt it was most appropriate, through this forum, to establish a subcommittee and then the subcommittee, as Mr Runciman will probably indicate, will have a specific matter to deal with within the next week or so.

Mr Runciman: I will move the motion as indicated on page 1. Ms Bryden is the New Democratic Party representative; I will be the Conservative representative. I guess Mr Nixon is the government representative.

The Chair: Should we read that into the record?

Clerk of the Committee: Yes, please. Just for the record.

The Chair: Mr Runciman moves that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof to consider and report to the committee on the business of the committee; that substitution be permitted on the subcommittee; that the presence of all members of the subcommittee is necessary to constitute a meeting, and that the subcommittee be composed of the following members: Mr Pelissero as Chair, Mr Runciman, Miss Bryden and Mr Nixon.

Ms Bryden: I prefer to be referred to as Ms Bryden.

The Chair: Okay. Any further discussion?

Mr Runciman: For the information of the members who were not here earlier, it is our intention to make a request early next week for the assignment of the limited number of hours for a specific topic which will be outlined in the letter, which we will deliver to you probably on Tuesday or Wednesday. That is our hope.

The Chair: Just so that I am clear again, under the standing order 123(b), items (i) and 2—item 1 being a precise statement of the matter to be considered and item (ii) the date to be allocated for consideration of the matter—are really up to the individual making the request. Item (iii), being the date in which consideration of the matter is to commence, and item (iv), the names of any witnesses to be invited to appear before the committee, are decisions that are made by the subcommittee.

Just for my clarification more than anybody's, once we receive the letter from you, Mr Runciman, we will then schedule a meeting of the subcommittee of those individuals who were named to make a determination on items 3 and 4. Is that correct?

Mr Runciman: That is right.

Ms Bryden: In the interim, until the subcommittee meets, there is nothing, I presume, to prevent any other members submitting a subject that they would like to have considered.

The Chair: That is correct.

Ms Bryden: Along with the details similar to the letter that we are being promised.

Clerk of the Committee: There is a catch to that.

The Chair: What is the catch?

Clerk of the Committee: Each party, which means Liberal, NDP and PC, is permitted only one item per 12 months. So I suggest if you wish to make that, you should remind your colleagues that, for instance, if you do make a another request for another matter, that would be it for the rest of the year.

The Chair: Just for this committee, though?

Mr Runciman: Is it just for this committee?

Clerk of the Committee: Yes, just for this committee.

Mr Runciman: They are allotted only 12 hours, I thought, and that covered all of the committees, not just this committee.

The Chair: No, I think it is per committee.

Clerk of the Committee: There are four committees: standing committee on general government, standing committee on social development, standing committee on administration of justice and standing committee on resources development. Each one has 12 hours and each party has one item per year. So in actuality, you have four.

The Chair: We could end up with 36 hours.

Clerk of the Committee: No, no.

The Chair: Wait a minute.

Ms Bryden: Was there not some activity in the previous sittings for some of the committees but not for this committee? Is that right? I think there was.

Clerk of the Committee: No. As I said, there are only four committees. There is another matter under the standing orders. If everybody agrees that you should study something, then you can go ahead and study it, but you have to have the unanimous consent of those three parties. That is a formality.

The Chair: Okay. Just again for the chair's clarification, when we talk about 12 hours, let's make an assumption that Mr Runciman's is the only motion to come forward. Is it 12 hours per party or is it the sum total of 12 hours, so that if each of the parties puts in a request, it ends up being four hours each?

Clerk of the Committee: No. It is 12 hours for Mr Runciman and 12 hours for yourselves.

The Chair: Okay, so that is what I said, that 36 hours of committee business per each of those four committees could be occupied. That is fine.

Clerk of the Committee: That is correct. Should the motion carry then?

Mr Velshi: Am I correct in saying also that even though the other parties may suggest a certain topic for discussion, it is government business that has priority?

Clerk of the Committee: That is correct. We do not have any matters before us.

Mr Velshi: I am just saying that in the event that—

The Chair: They recognize that. That is part of it.

Clerk of the Committee: Should the motion carry, Mr Chairman?

Ms Bryden: Any member of this committee can put forward an item to be—

The Chair: —considered by the subcommittee.

Ms Bryden: And they can each have 12 hours if it gets accepted.

The Chair: That is correct.

Ms Bryden: Can the subcommittee decide that it does not want 36 hours? Say we get three requests.

The Chair: It has to be by a majority vote. It says, "If a vote is required with respect to items (iii) and (iv), decisions are made by the majority members of the subcommittee."

Mr Runciman: I can indicate that we will not be requesting the full 12 hours. We will be requesting something like seven or eight of our 12. That is how we see it.

Ms Bryden: Which would give the other parties whatever you do not request, or the committee itself could decide.

Mr Runciman: No.

Clerk of the Committee: The time requirements are totally up to Mr Runciman. He may wish to use one hour or 12 hours. It is his prerogative, and nobody else can use that.

Mr Velshi: The rest is lost.

Clerk of the Committee: The rest is lost.

The Chair: That was going to be my question. Could another party or the same party come back and say: "We only used six. Put another matter for another six hours"?

Mr Runciman: I think so.

The Chair: Good enough.

Mr Velshi: Can you check on that? I do not think you are correct in saying that.

Clerk of the Committee: I will check into that, but I am quite certain that it can be done, as long as it is not 12 hours.

The Chair: Just so that we are not at cross-purposes, let's use the example that you said, one item per 12 months to a maximum of 12 hours. Could we have two items for six hours each?

Clerk of the Committee: I would have to check that.

The Chair: Maybe you could check that for us.

Mrs LeBourdais: I would think as long as the time is allocated, if they want to do one subject or 15 subjects, as long as they do not exceed, that would seem reasonable.

The Chair: This is what I will find out. Any further discussion on the motion then?

Ms Bryden: That would be one item every 12 months for this committee.

Clerk of the Committee: Per party.

Ms Bryden: That is what I wanted to make sure. We could have a maximum of 36 hours.

The Chair: That is right.

Ms Bryden: The committee will decide. Presumably, if we get requests from all three parties, we will try and accommodate them.

The Chair: That is what the subcommittee is going to have to work out.

Clerk of the Committee: The only caveat is, as Mr Velshi has said, priority is given to government bills and government matters. Priority is given to the government business first.

The Chair: In other words, if we have a piece of legislation that is referred to us, we have to deal with that first.

Clerk of the Committee: The motion was not carried yet.

The Chair: No, no. We have not voted on it. We are still discussing it.

Ms Bryden: The estimates have now moved to an estimates committee, so they will not come to the committee.

Clerk of the Committee: That is correct.

Ms Bryden: It could be just a bill or something like that.

Clerk of the Committee: That is correct.

The Chair: Any further discussion on the motion?

Mr Velshi: I have just one question. You just said "if any government bill comes to us," but I believe it is any government work, not necessarily a bill. Just for your information. You are on record. I think you have made a statement that is perhaps

factually opposing what the regulations read, "any government business."

The Chair: "Any government business." Okay, that is correct.

Are you ready for the question? All those in favour? Opposed, if any? It is carried unanimously.

Motion agreed to.

The Chair: Thank you very much. We will wait for a letter from Mr Runciman and Ms Bryden. Once we receive that, we will call a subcommittee meeting as soon as it is convenient to everyone's schedule after that point.

The committee adjourned at 1024.

ERRATA

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Legislative Assembly of Ontario

Second Session, 34th Parliament

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Official Report of Debates (Hansard)

Thursday 17 May 1990

Journal des débats (Hansard)

Le jeudi 17 mai 1990

Standing committee on General Government

Report, Subcommittee on
Committee Business

Comité permanent des affaires gouvernementales

Rapport de sous-comité sur les
travaux de comité



Chair: Harry Pelissero
Clerk: Franco Carrozza

Président : Harry Pelissero
Secrétaire : Franco Carrozza

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 17 May 1990

The committee met at 1005 in room 228.

The Chair: I call the standing committee on general government to order. We have three agenda items: subcommittee on committee business report, update on appearance of witnesses and the budget. Even though they are printed in that order, could we deal with the budget first? Is that possible, then go with the subcommittee and then update? No? Okay. Fine enough. I am not seeing consensus on that, so we will move ahead.

REPORT, SUBCOMMITTEE ON COMMITTEE BUSINESS

The Chair: There is a document that the clerk has prepared. It is a memorandum. I believe it was circulated to all committee members.

Clerk of the Committee: Just the subcommittee.

The Chair: Just the subcommittee, okay. For your benefit, I shall read it then. To all members of the standing committee on general government, from Franco Carrozza, clerk of the committee:

"Subject: Report of the subcommittee on committee business

"Your subcommittee met on Tuesday 8 May 1990 to consider a matter under SO 123, as requested by Mr Runciman, and it recommends the following:...Why, in February of 1989, a commission of inquiry into the planning, development, financing and servicing of land in the region of York, as recommended by Ministry of Municipal Affairs officials, was stopped by the Premier's office before it was considered by the full cabinet.

"That 12 hours be designated for consideration of this matter.

"That hearings commence on Thursday 17 May 1990. However, if the witnesses are not able to appear on that date, the clerk of the committee will update the committee on the scheduling of the witnesses.

"Witnesses invited to appear before the committee: Don W. Malpass (author of the confidential memo); Fred Hamblin (consultant); Hon John Eakins, MPP (former Minister of Municipal Affairs); Gordon Ashworth (former executive director of the Premier); Marco Muzzo (developer), Hon David Peterson (Premier)."

That is signed by Franco.

From a formality point of view, I do not think we need—

Clerk of the Committee: It is deemed to be adopted.

The Chair: It is deemed to be adopted.

Ms Bryden: I have a comment about the report.

The Chair: Okay.

Clerk of the Committee: There is no debate on the report.

The Chair: I am taking direction from the clerk in terms of the report as deemed to be adopted. We shall do that first.

Ms Bryden: Well, it cannot be adopted until I have a chance to comment on the fact that it is inadequate and not a complete report of the meeting of 8 May.

The Chair: Well, without wanting to become—

Mr Polsinelli: Mr Chairman, I think what I am hearing is that the report does not adequately reflect the decision of the subcommittee, and I think we should hear that out, if that is the case.

Clerk of the Committee: That is right.

The Chair: Okay. Could you tell me how it does not reflect the decision of the subcommittee?

Ms Bryden: Well, I attended the 8 May meeting, along with Mr Cousens, representing the Progressive Conservative Party, and Brad Nixon, representing the Liberals. Is that right?

The Chair: That is correct.

Ms Bryden: Yes. At that meeting, we discussed more than Mr Runciman's proposal. We had before us a submission by the New Democratic Party for designation of a topic. That was definitely before that committee. It had been properly submitted on the form, and the chair of the committee ruled that application for a designation out of order. Now, I think that should have been reported to the general government committee and a copy of that request for a designation should have been included in the minutes from the subcommittee. That is not in there.

As a result of that meeting when it was ruled out of order, I then requested that at least it be reported to the general government committee that the NDP had a submission which was ruled out of order by the Chair on the grounds, presumably, that it did not conform to the requirements of clause 123(a) of the standing orders. That all should have been reported to this committee.

I also understand that it was agreed that the NDP would be informed that it would be perfectly able to reword its submission if it wished and submit it again. We are looking at that. We are willing to consider it and then see if it will be ruled in order. But the whole fact that it was submitted and ruled out of order should be in this report to the general government committee. This is the first time they are finding out about it now.

The Chair: For the benefit of the committee, I will ask the clerk to give his version of that meeting that we had as a subcommittee with respect to Ms Bryden's request for a consideration of a matter before the committee.

Clerk of the Committee: The subcommittee reviewed your proposal. The Chairman ruled it out of order. The matter is completed once it is ruled out of order. It was agreed that I should assist you in rewriting the proposal, which I have done. However, once the proposal is ruled out of order, there is no need, for it is not part of the subcommittee report.

Ms Bryden: Surely it is part of the proceedings of that committee that all three parties—

Clerk of the Committee: It is part of the proceedings—

Ms Bryden: —and it should be included in the proceedings.

The Chair: Order. We are not dealing with the whole meeting of the subcommittee. What we are dealing with is a report from the subcommittee with respect to standing order 123.

When there is a subcommittee meeting with a request from yourself or someone from the NDP caucus, we will have another report similar to this.

Ms Bryden: But there was a subcommittee meeting on 8 May with a request from the NDP, which was dealt with in one way. That is something that must be included in the report of the subcommittee.

The Chair: What I am prepared to entertain is, if you would like the clerk to present minutes from the subcommittee to all the committee members, that is fine. There are two separate issues. There was certainly a meeting of the subcommittee. The primary meeting focus or the reason for that meeting was to deal with a request from Mr Runciman. At that time, there was a request brought forth by yourself as well.

Subsequent to that, I ruled your request for a proposal to be out of order. If you would like the minutes to show that and be circulated to the members, we can do that. However, in the report from the subcommittee with respect to standing order 123, I cannot show that there was a subsequent proposal and that it was ruled out of order. Is that not correct?

Clerk of the Committee: That is correct.

The Chair: We can circulate minutes of the subcommittee if you would like to show that the proposal that you brought forth was deemed by the Chairman not to be in accordance with standing order 123. I do not have any problem with that, but I cannot add anything to this subcommittee report. For all intents and purposes, what I am doing now is not even supposed to be recognized because it is deemed to be adopted by the committee.

Ms Bryden: With respect, that meeting on 8 May had two items of business before it.

The Chair: Correct, and we are dealing with one of them now.

Ms Bryden: And you said one of them was of prime importance. They held equal status when they came before that committee, even though one had come in earlier than the other, but they were both before you. The NDP one—I would like to get it on the record—asked for a designation of the following matter: the relationship between developer Marco Muzzo and the companies he is involved with and the government of David Peterson and the Liberal Party of Ontario. That should have been recorded in the report from the subcommittee to the committee.

The Chair: Order. I am interjecting as the Chairman and I am telling you that as a result of that subcommittee meeting, the Chairman is prepared to have the clerk circulate to the committee members the minutes, showing the request you brought forward. I am also saying that with respect to the request from Mr Runciman, it met the requirements of standing order 123. Yours did not. I subsequently ruled you out of order and I am not prepared to hear or deal with the matter again until you have a properly worded proposal sent to the clerk of the committee, and it will be dealt with in the subcommittee. I am moving on to other business.

Ms Bryden: Just one—

The Chair: No, I am not prepared to recognize you. Thank you.

Ms Bryden: I will report this in my—

The Chair: That is fine; you can do that.

Ms Bryden: This is a new committee. The rules are being made from—

The Chair: I am not recognizing you. Hansard had better not be on. Thank you very much.

I am moving on to an update on the appearance of witnesses before the committee. The clerk has sent a letter to the six individuals who were named in the subcommittee report. We have heard back from four of them positively in terms of arranging dates. Mr Hamblin can appear subsequent to arranging a date. Mr Eakins is free to appear on 31 May. Mr Malpass will be on holiday in Italy and will be back on 25 June. Mr Peterson is available from 7 June through 14 June. Mr Muzzo's lawyer called to inform the clerk that they will discuss the matter and inform the Chair by letter of their decision. Mr Ashworth's response was the same through his lawyer; he called to inform the clerk that they will discuss the matter and inform the Chair by letter of their decision.

I guess where we are at now is contacting the witnesses and then arranging time for the witnesses to appear before the committee.

Mr Polsinelli: I think before we start contacting the witnesses and arranging a time for them to appear, it is important that we consider another matter. I have to give the committee fair notice that I am going to be moving this morning that we defer these proceedings until such time as the standing committee on the Legislative Assembly reports on its review of the impact of the Supreme Court decision in the matter of Starr et al v Houlden et al on the Legislature and its committees.

I am doing that because I am concerned with the motion that is before us. I am concerned because the motion is not referring to the operation of a particular ministry, but it appears to be referring to the committee undertaking, in a certain sense, a witchhunt. The motion itself appears to be proper, but then if we look at the press release that was issued by the Conservative Party, it talks about "Developer Muzzo Among Those Wanted as Committee Witnesses." I question what the developer has to do with a ministry decision or a decision made by the Premier's office.

The Chair: Before you get into full flight, I am prepared to notice that you are going to move a motion in order that it can be properly discussed. Number one, I would suggest you do that and, number two, I am going to have to check with the clerk with respect to—you said deferring a matter that was brought by the subcommittee to the committee—whether we in fact can do that or not.

Mr Runciman: It is out of order.

The Chair: That is what I am trying to find out.

Mr Polsinelli: In terms of whether or not the motion is in order, I would submit that the report from the subcommittee has been adopted by this committee. The 12 hours have commenced running in terms of our undertaking this matter and, during that period, one of the committee members is suggesting that the period of time in which this matter be considered be deferred to another time when something else happens. I do not think, once a period of time starts running, that you go 12 hours and you do

absolutely nothing else. Other motions in terms of procedures, in my opinion, are in order, and that is what my motion is going to be.

I am not disputing that the report has been adopted but, once it has been adopted, I think the committee has the ability to arrange or rearrange its schedule, and that is what I am suggesting.

1020

Mr Runciman: I am not that familiar with the standing orders in respect to 123.

The Chair: Neither am I.

Mr Runciman: In my view, when the standing orders were changed, this was done to preclude this sort of stonewalling effort on the part of the government to shut off the opposition members from having their day in court, if you will. When the changes were made so that we would not have bell-ringing sessions and so on in the Legislature, the opposition parties had to have some assurances that matters they were concerned with would be dealt with in a fair and open way through the committee process. I cannot imagine that there is any loophole in this that will allow the government members to come in here and do this sort of thing to try to delay this, hopefully, I suppose from their point of view, beyond an election.

Mr Polsinelli suggests that what we are discussing here today should be knocked off in 12 hours. I do not know whether Mr Polsinelli has talked to his House leader yet or other members of the government in respect to what he is attempting to do here, but if you want to have a mini-rebellion on your hands in the Legislature, you are aiming for it with this kind of action. This has significant repercussions, ramifications, for what goes on in this building. I am advising you of that. I am not making a threat. I am saying I know how my party is going to react, and I suspect I know how the NDP is going to react, to this kind of attempt to work around rules which were mutually agreed upon with the best interests of all parliamentarians at heart some time ago. I hope that we are not going to get into that kind of situation.

I can understand and appreciate the government's reluctance to deal with this matter, but that is what this is all about. That is why the opposition parties were given these opportunities through the change in the standing orders.

Mr Polsinelli: Precisely with respect to what Mr Runciman is saying, he says he wants his day in court. That is the problem. This is not a court of law and the Supreme Court of Canada has already ruled on that with respect to Starr and the Houlden inquiry, saying that if a judicial inquiry is going to look at matters involving criminal responsibility, then that is an inappropriate item for that judicial inquiry to look into.

What I am suggesting is that the pith and substance of the motion put forward by the Conservative caucus through Mr Runciman is a criminal investigation, because he is saying he wants a look at the allegations of wrongdoing involving land development in York region. He wants to call forward land developers. I question what land developers have to do with terms of ministry policy and government policy. If Mr Runciman is interested in government policy and ministry policy, he calls forward ministry officials and government officials, not land developers.

Also, I am suggesting that the standing committee on the Legislative Assembly is looking at this very issue. The standing committee on the Legislative Assembly is looking at the Starr decision made by the Supreme Court of Canada, the highest

court in this country, and it is looking at the implications on the Legislature and the legislative committees. This is not a delay tactic; this is saying: "Look, you guys have members on that committee. Expedite the report of that committee, get it before the House, and if that committee says that this is an appropriate item that this committee should be looking at, then we will proceed and we will proceed diligently and it will be the first item of business."

But let's not take the law into our own hands. Let's not try to make laws that we have no authority to make in this room. That is my very point. Mr Runciman can rant and rave as much as he wants, but we do not have the authority to conduct criminal investigations. If he wants to do that, he should talk to his federal caucus members.

Mr Runciman: It is a red herring. Mr Polsinelli can quote press releases if he wants to. If you look at what we are asking for, what we are talking about in this committee is a very specific—

Mr Ballinger: It is your press release.

The Chair: Order.

Mr Runciman: There is a very specific request here and it does not mention any names. We were very clearly concerned about the Houlden thing and we do not deal with names here with respect to the subject matter. The subject matter is very clear, very specific, as required by the standing order, and what we are really trying to determine is why that report did not go to cabinet. That is it, pure and simple. Mr Polsinelli can ramble on all he wants to in respect to other matters, but what we are trying to determine is why that was stopped in Mr Ashworth's office, nothing more than that.

Ms Bryden: Just to be clear, has Mr Polsinelli moved an actual deferral motion? Is it before us now? Is that what we are debating?

The Chair: My understanding is he has moved a deferral motion until the standing committee on the Legislative Assembly makes a finding with respect to the impact of the Supreme Court of Canada's decision.

Is that a rough approximation of what you are talking about?

Mr Polsinelli: That we defer this matter until the Legislative Assembly committee reports on its review of the impact of the Supreme Court decision in the matter of Starr et al v Houlden et al and the Legislature and its committees.

Ms Bryden: Mr Chair, if we are debating this motion we should have a copy in front of us. It should have actually been presented to us.

Mr Ballinger: It is a deferral motion. We never write a deferral motion.

Ms Bryden: It is far more than a deferral motion. It is a complete change of course as to what this committee will be dealing with, and I support Mr Runciman's belief that it is an attempt to steer away a hearing that was accepted by the subcommittee as being a legitimate subject. Once the subcommittee has made decisions about a subject and about the witnesses to be called and the times requested and the hours, that is not debatable by this committee, really. We proceed with the proposal.

It seems to me the proposal is perfectly in order in that it is asking for investigation of a specific situation in one of the regional municipalities, and it is up to us to be able to ask

questions about what happened in that situation. We are not trying to investigate or make criminal law. We are simply trying to find the facts on a particular instance that happened in one of our regions.

The feeling is that there needs to be more information available to the public on this situation and to find out whether it was within the powers of the government to intervene. The Premier's office appeared to intervene in the matter. We have to establish those facts and that is what we are here for, as a separate study by the newly set up section 123 designations that are allowed and the time that is allowed. What we are doing is perfectly in order, and I think a motion to defer the hearing is quite out of order, because it is really subverting the objectives of section 123 designation and hearings.

Surely in this day and age of freedom of information and open government—municipal governments have just been required by law to have all their meetings open—we should also be going along with giving the public the opportunity to know the facts about any particular event that involves ministries of the government or the Office of the Premier, and we should have the opportunity to examine what went on in that case.

Our job is somewhat similar to what the standing committee on public accounts does. I think it is perfectly in order for this committee to examine those facts. In fact, I think it is a very good thing that this section 123 approach was adopted and that we do have that opportunity. But it looks like the first time we attempt to use it this year, the opportunity is going to be denied us. I think the committee should very seriously consider not accepting a motion to defer.

The Chair: Okay. I am going to have Mr Polsinelli and Mr Runciman very quickly, and then I am probably going to seek about a 10-minute adjournment until I can seek advice from the Clerk's office on a deferral motion. I do not want to make a ruling because, as you say, it is a new procedure.

Mr Runciman: That is all I was going to suggest.

The Chair: Yes, okay.

1030

Mr Polsinelli: Mr Chairman, very briefly, first of all I would like to comment with respect to the comments made by the member for Beaches-Woodbine. She had a motion that was ruled by the Chair out of order, looking at the relationship between Marco Muzzo and the Liberal government. That is a rewording of the Houlden inquiry mandate, and the Supreme Court of Canada has said that is ultra vires the provincial government. You cannot deal with it. If you want to do in this committee what Mr Houlden could not do, be aware of what the law is. Clearly that is ultra vires. We cannot do that.

I would like to quote from the Supreme Court of Canada decision and I think it is important for the committee members to hear this. It says, "But surely it is from all the surrounding circumstances of the establishment of the inquiry and from the terms of reference themselves that this court must determine whether in pith and substance the inquiry deals with a legitimate provincial concern."

So we do not only look at the motion that we have before us, we look at what Mr Runciman and the Tory caucus are trying to do.

Another quote from the Supreme Court of Canada decision confirming that says:

"Rather, the exercise is designed to identify the true nature and character of the law by looking at its overall purpose and

effect. Indeed, the characterization of a law demands a holistic rather than a checklist approach."

So again, Mr Chairman, the committee must look at what Mr Runciman and the Tory caucus are trying to do. If you look at the motion before us, it appears to be properly in order, but then you look at the press release and he is asking—

An hon member: Whose name is at the bottom of that?

Mr Polsinelli: Bob Runciman, MPP. He says "Developer Muzzo Among Those Wanted as Committee Witnesses." That is the heading, that is in bold letters, that is the characterization of what he is trying to do. He does not care what the Ministry of Municipal Affairs does, he does not care what the Premier's office does, he wants a witchhunt against developer Muzzo.

Then, in the first paragraph, he says he is looking at an inquiry into allegations of wrongdoing involving land development in York region—clearly a criminal investigation in my opinion, but I am not going to prejudge what this committee should decide. All I am saying is, there is a question as to whether or not the pith and substance of Mr Runciman's motion is a criminal investigation. If that question is there, then what we should do is listen to Mr Runciman's House leader. Ernie Eves requested that the Legislative Assembly examine the Starr decision by the Supreme Court of Canada. Mr Runciman's House leader wants to know what the powers of the Legislature and what the powers of the committees are in light of the Supreme Court of Canada decision. So is Mr Runciman, a true and loyal member of the Tory caucus, not able to wait until the standing committee on the Legislative Assembly complies with his House leader's request? That is the simple motion that we have before us. Let's listen to Mr Eves.

The Chair: What I am going to do is suggest a recess until 10:45 to allow the Chair to get some advice from the Clerk as to whether the deferral motion is in order or not.

Mr Polsinelli: We should have some discussion.

Ms Bryden: I have an additional piece of evidence.

The Chair: On whether the deferral motion is in order or not?

Ms Bryden: Yes. Yesterday in the House, on a point of order, my House leader, Mr D. S. Cooke, stood up and raised the whole question of the role of the Supreme Court decision in the work of both the Legislature and the committee.

The Chair: It was two days ago and the Speaker said he would get back to us.

Ms Bryden: No, it was just yesterday.

The Chair: Was it yesterday again?

Ms Bryden: Maybe you are right—two days ago. Anyway, Mr Cooke started off by saying that the Speaker "gave a ruling with regard to a matter that had been raised by the House leader for the third party on the implications of the Supreme Court decision coming out of the Patti Starr inquiry and the decision by the Supreme Court. In that decision you indicated that basically it was not your job to determine what the implications would be for the House or for the standing committees. It is my understanding that the standing committee on the Legislative Assembly is now looking at the matter, as you recommended in your decision."

That is paragraph one, but then he says, "My concern is, first of all, that right after your decision, the clerks of the standing committees met to determine the implications of your decision on the standing committees and their procedures for

this Legislature. Then the standing committee on general government met last week to look at a referral under our new rules of the 12 hours that is a portion for opposition parties. The referral was from the member for Leeds-Grenville.

"It is my understanding that in the steering committee"—he means our general government committee—"while the matter was being considered, advice was offered by the clerk of the committee that the Supreme Court decision should be taken into consideration and what implications it might have. Now I think that while that is not a direct intervention by the clerk in terms of the implications of the Supreme Court decision, it certainly has a substantial effect on decisions that will be made by committees and how they proceed.

"I would ask you, Mr Speaker, to look into this matter and I think instruction should be given to the clerks of the committees that until the standing committee on the Legislative Assembly has reported on this matter, interventions as a result of the Supreme Court decision should not be made in our standing committees, since they and we cannot determine what the implications are. That is the purpose, as your decision indicates, of the matter being studied by the Legislative Assembly committee."

Mr Polsinelli: It is supporting my point of view.

The Chair: I think that is all of the point of view that Mr Polsinelli was trying to make.

Mr Polsinelli: I think we should have a bit of discussion as to whether or not this motion is in order if you are going to rule on that in 15 minutes. Quite simply, I would suggest that it does comply with standing order 123, particularly 123(c), because what 123(c) says is that a report from the subcommittee is deemed to be adopted by this committee and it is deemed to take precedence over all business. We are not disputing that at all. We are deeming the report of the subcommittee to be adopted and we are deeming that the investigation continue.

We are also suggesting, however, that the committee will not be able to do any business other than government bills until this issue is dealt with. Otherwise, at every meeting of this committee you would have to deal with this item. If you cannot get a witness until 17 June, does that mean you cannot meet until 17 June on anything?

The Chair: Again, given that it is a new procedure, I am going to suggest we stand recessed until 10:50.

Mr McGuigan: On a point of order, Mr Chairman: With reference to the clerks, I would suggest that you do not limit yourself to a short time. By the time you find the people, sit down and talk to them, it takes a little more than 15 minutes.

The committee recessed at 1037.

1113

The Chair: I would like to reconvene the meeting of the standing committee on general government. I would like to have a little more discussion. I have had some advice from the Clerk. I am not prepared to share that at this particular time until I have had some more debate on whether individuals feel the deferral motion is in order or not. Is there any more discussion or debate?

Mr Runciman: I think what the member for Yorkview is attempting to do here this morning is to really present something of a red herring to the committee with respect to the implications of the Houlden inquiry and how they might impact on this specific motion that is before the committee. I think

when we were drafting this request, we were quite cognizant of the fact that although no one really is clear on what the implications might be for committees of the assembly, we felt we would be cautious in respect to preparing this and did so on the basis that no one would indeed be named in this.

We are simply dealing with something that happened in this building. We are not talking about the region of York. We are talking about why a decision was taken in this building, in the Premier's office, in respect to a report prepared by a provincial ministry and why it did not go beyond that point. We are not talking about other elements, and we certainly make it clear that this is specifically worded as required by the standing order. We want to determine why that report, the commission of inquiry, was stopped at the Office of the Premier before it went to full cabinet and stopped in Gordon Ashworth's office at a meeting.

I guess I find it very difficult to believe that the Clerk's office could in any way, shape or form find this deferral motion to be in order. I know Mr Polsinelli is trying to present a voice of reasonableness in respect to the way he is presenting this, but I suggest if we look at the timing and all the considerations with respect to an upcoming election, I think others may reach different conclusions in determining why the government members on this committee feel this should be delayed and no open and public discussion take place.

I just want to say briefly that if you go back over the history of this and deal with the people who redrafted the standing orders for this House, and what the intent was in respect to giving the opposition members an opportunity to have concerns that they hold aired publicly and dealt with by a standing committee of the Legislature, I think you will find that the effect of what Mr Polsinelli is attempting to do here today, if indeed you uphold this and find it in order, really will be a gutting of the intent of that standing order. That is the reality, and I think it would be a most regrettable decision and one that will have, as I said, significant repercussions.

Ms Bryden: Mr Chair, I am glad you are having a general discussion on whether or not a deferral motion is in order. I think it is of implication to the entire work of this committee now and in the future, because we will be having other questions coming before us that not all members of the committee will like.

I think we have to look at the guidelines for the subcommittee on committee business. It does have the right to accept a matter that has been put forward by one of the three parties and it does have the power to accept the people who have been requested to appear. It also has the power to say that a matter is not within the requirements of standing order 123. Those are its powers, and once it has made a decision, either yea or nay, for a request for designation, I do not think this committee has any further say in the matter.

I think it is a good procedure, because then it is the subcommittee that decides what shall come before this committee under standing order 123. The purpose of that standing order is to enlarge the powers of the Legislature or of the legislative committee to investigate questions that need more light thrown upon them and need the examination of witnesses, in many cases, and a look at the principles and the legislative implications involved.

Therefore, I think it would be out of order to allow a deferral motion, which is subverting the purposes that standing order 123 was set up for, and it should not go forward.

With regard to the point Mr Polsinelli made, that it could just be deferred until the report comes out from the standing committee on the Legislative Assembly, to which the question

of the implications of the Supreme Court decision was referred, I have seen its minutes of 9 May. When they met to be prepared to discuss those implications, they decided to adjourn until the call of the Chair and leave the discussion of the matter to some unspecified later date. There had to be some research study prepared in the meantime, as well as a discussion in the next few weeks, which is the way the Chair put it, on this matter. So I think you cannot see any specific date for the report of that standing committee coming out to guide us on what it thinks are the implications of the Supreme Court decision. I think the Speaker himself, in commenting on the implications of the Supreme Court decision, said that he did not feel he could decide how they applied to either the House or the committees and that he was therefore pleased that it was referred to a standing committee.

I do not think any other committee can make decisions on the implications of the Supreme Court decision in its decisions, because we do not know what they are, really, until there has been a lot more discussion of this. We do not know how the Supreme Court decision would apply to anything that came out in Mr Runciman's inquiry and I think only experience will tell us what the implications are. It certainly is not a unanimous statement that no committee hearings can be held which would possibly have implications from that Supreme Court decision. I think it is a red herring to include that in the deferral motion. Either we have the power to defer or we do not, and in my opinion we do not.

1120

Mr Polsinelli: What I am trying to do is uphold the laws of this country as I see the laws of this country being. The Supreme Court of Canada, in deciding on the Starr and Houlden situation, said that the provinces have certain powers. One of those powers is not the conducting of criminal investigations through the forum of a judicial inquiry. I would like to quote again from the Supreme Court of Canada decision, where Mr Justice Lamer says:

"But surely it is from all the surrounding circumstances of the establishment of the inquiry and from the terms of reference themselves that this court must determine whether in pith and substance the inquiry deals with a legitimate provincial concern."

In looking at the activity of this committee, we have to decide whether or not what Mr Runciman is asking us to do falls within an ambit of provincial authority. Quite frankly, I do not know whether it does or does not.

Mr Runciman's House leader does not know, because Ernie Eves has asked the Legislative Assembly committee to review the impact of the Supreme Court of Canada decision on the Legislature and its committees. They have initiated that review. They have a researcher who has done some work on it, and that researcher is going to be sharing some of that information with the committee within the next couple of weeks, according to Ms Bryden's notes on the Legislative Assembly decision.

The House leader of the NDP does not know what the implications of the Supreme Court of Canada decision are on the Legislature and on the legislative committees. Mr Cooke said in the House, and I am paraphrasing a bit:

"As a result of the Supreme Court decision, we cannot determine what the implications are. That is the purpose, as your decision indicates"—he is talking to the Speaker—"of a matter being studied by the standing committee on the Legislative Assembly."

We are a bit up in the air. Because of this decision, we do not know specifically what the powers of this committee are and we do not know specifically what the powers of a judicial inquiry can be. We know for a fact that they cannot delve into criminal investigation, into criminal liability and responsibility.

The Tory caucus, through Mr Runciman, has put a motion purporting to come under standing order 123, that this committee investigate why the Premier's office blocked a request by Ministry of Municipal Affairs officials relating to planning development and financing of land in York region. The wording of that motion seems to be proper and it seems to fall within the mandate of the Ministry of Municipal Affairs, and this committee has the responsibility to investigate the planning and policy decisions made by that ministry.

But the Supreme Court of Canada decision says that we have to look at the pith and substance of that motion. What do Mr Runciman and the Tory caucus really want us to do? I am submitting that Mr Runciman is speaking out of both sides of his mouth, because on the one hand he says he wants to look at what the ministry is doing and what the Premier's office is doing and on the other side of his mouth he issues a press release where he says, "Developer Muzzo Among Those Wanted as Committee Witnesses." My question is, what does developer Muzzo have to do with the operation of the Ministry of Municipal Affairs or the operation of the Premier's office?

Mr Runciman: Exactly. Damned good question.

Mr Polsinelli: Well, is it a criminal investigation that he wants to conduct? He says in his press release that he wants to look at the inquiry into allegations of wrongdoing involving land development in York region. That is clearly against what Mr Justice Lamer says we can do in the Supreme Court of Canada decision.

Look at the other witnesses Mr Runciman wanted to call before this committee to investigate the operations of the Ministry of Municipal Affairs and the Premier's office. He wanted to call Fred Hamblin, a consultant. Presumably Mr Runciman knows something that we do not know about Fred Hamblin. He wanted to call Alfredo De Gasperis, who is a developer. My understanding is that Alfredo De Gasperis is not employed by the Ministry of Municipal Affairs or the Premier's office.

Mr Runciman: He is not on the list.

Mr Polsinelli: It is in your press release. He wanted to call Rudolph Bratty, who is a developer. Presumably Mr Bratty is also not employed by the Ministry of Municipal Affairs or the Premier's office, and I question what his relationship is with respect to any decision that had been made by them. He wanted to call Nick DiGiovanni, who used to be a regional councillor in Vaughan. Again I question, what does that have to do with the motion that he has standing before this committee?

Mr Runciman: Absolutely nothing, because they are not included.

Mr Polsinelli: Quite simply, I am saying that if we look at the pith and substance of what Mr Runciman is trying to do, he is trying to get this committee to conduct a witchhunt, a criminal investigation, and in my opinion we cannot do that. We do not have the authority to do that. If we were a federal committee, part of the House of Commons, then the Criminal Code would be under our mandate and the federal House could order us to do those types of things. A provincial government cannot conduct a criminal investigation through one of its committees. That is a result of the Supreme Court of Canada decision.

Is this motion in order? Is my motion to defer this thing in order pending this committee receiving guidance from the standing committee on the Legislative Assembly? Mr Eves, the Tory House leader, thinks that we should receive that guidance. He is the one who proposed to the Speaker and to the committee that the committee review the impact of the decision and advise the Legislature of the impact that decision had on the Legislature and its committees. He wants the Legislative Assembly committee to tell us what we can and cannot do as a result of that decision, but Mr Runciman is saying:

"Hey, no, we want to do this right away. It doesn't matter what Mr Eves, my House leader, says. It doesn't matter that the Legislative Assembly committee is looking at this matter right now. We want to proceed with this witch hunt."

In the New Democratic Party caucus we have Mr Cooke, who says in the House, "We don't know what the Supreme Court of Canada decision implication is on this Legislature and its committees." That is the purpose of having the Legislative Assembly committee investigate this matter and report to us. But now the NDP is saying, "Hey, we should proceed with this right away; it doesn't matter."

I am suggesting that the motion is in order. Under our standing orders the report from the subcommittee comes to this committee and it is deemed to be adopted by this committee. We are not disputing that. The report came from the subcommittee dealing with this matter. We are deeming it adopted and we commenced the discussion. As a matter of fact, Mr Chair, you will recall that at 10 o'clock—

Mr Runciman: I do not agree with that. I want it on the record that we do not agree with its being the commencement of discussion with respect to our motion. We are talking about your motion of deferral.

Mr Polsinelli: You may or may not agree with it, but at 10 o'clock this morning when this committee convened I remember your advising this committee of the witnesses who were prepared to appear, those whose times were available on certain dates and those who were going to respond in writing. If that was not talking to Mr Runciman's motion, I do not know what that was talking to, probably general committee business, but he was talking about that.

So we are deeming that the subcommittee report has been adopted by this committee and that this committee is eventually going to deal with that if it is within the mandate and the powers of this committee to deal with Mr Runciman's motion. But I am suggesting that we have advice from the Tory caucus, through its House leader, and we have advice from the NDP caucus, through its House leader, that the Legislative Assembly committee determine whether or not this is the appropriate item for this committee to consider. I am suggesting that we should wait for that advice, and I am suggesting at this point that we commence the investigation by receiving the report as to the availability of witnesses. We should defer it for a couple of weeks pending the report of the Legislative Assembly committee.

The implications of ruling my motion out of order, as I am sure you are aware, Mr Chairman, would require that this motion take precedence over all other committee business. If the subcommittee report had been that we deal with this matter right away, then we would not be able to deal with the budget of the committee; we would not be able to deal with any items other than government business. Those are my submissions.

1130

Mr Charlton: The standing orders deal with that and you know it.

The Chair: Just before I move on to Mr Carrothers, Mr Charlton and Mr McGuigan, I have been advised that there is nothing procedurally incorrect with respect to Mr Runciman's package of materials that he has circulated to the press. Perceptually there may be problems, but procedurally there is nothing incorrect. The Chair may have some difficulty with the perception, because as we all know, that perception becomes the reality, but we will leave that as another matter.

I would also like to say that I think this is one of those cases where there was a falling between the cracks with respect to the drafting of the subcommittee and what it should be doing. There was no direction in the standing orders with respect to: Within that 12 hours should a report be written; should there be opening statements; should there be closing statements, legal advice if necessary; what do we do with the committee report if we write a report; when does the time commence? It starts at 12 hours and I recognize, and I hope the committee members recognize, that this is really the first time we are breaking new ground in this area. Hopefully it is going to iron out over a period of time, because the standing orders only cover four topics that have to be included with respect to a proposal.

Mr Carrothers: I think in some sense we may be losing sight of what we are talking about here. We are not talking about whether the committee should deal with the subject; we are not talking about overruling the subcommittee or anything like that. What we are talking about is the ability of this committee to deal with the subject. I would submit that that consideration is always in order.

We have to recognize that rules such as our standing order are drafted in general. They are to be interpreted. We have chairmen such as yourself to interpret them, because they cannot always speak to every particular circumstance. We find ourselves here in a rather peculiar set of circumstances, where the Supreme Court has made a statement about how one deals with certain subjects. We need to find out how that impacts on us. As I again go back to say, it is a question of our ability to deal with the subject and the way it is framed before we move on.

I take the point the Chairman has made about the press release, but if we look right within the four corners of the documents that are before us here, the list of witnesses that have been submitted for this committee to look at in terms of the question, which was why something happened, we see Marco Muzzo is one of those witnesses. I think it is very clear that the implication and the reason he is there is that they want us looking at the question of wrongdoing, which is the very point the Supreme Court spoke to, the very point where the Supreme Court has indicated there are certain limitations which we might not have thought were there before as to how we were to deal with such subjects.

I think it is incumbent upon us, if we want to look at the reputation of this place, to recognize that we are given special abilities in this Legislature to speak to things, to say things, which in other forums would be slanderous, libellous and what not; that is, to allow our freedom of expression. With such freedoms also come responsibilities to deal with those powers appropriately, responsibly and in fairness to all others who are going to be impacted by what we are doing. We have to deal with those subjects within the context of the law of this land, which the Supreme Court has spoken to.

So I would strongly submit that it is in order to consider this question at this time, because it is going to the ability of this committee to even deal with the subject matter.

Mr Charlton: I have to, unfortunately, disagree very strongly with both of the last two speakers. They have both spoken quite emotionally to the substance of Mr Polsinelli's motion. The substance of a motion, though, and the merits of that substance in a particular circumstance do not determine whether or not the motion is in order. Good substance, good merit to the substance, does not make a motion in order and bad merit and bad substance make a motion out of order.

Mr Polsinelli: Jurisdiction is always in order.

Mr Charlton: The standing orders determine whether a motion is in order or not. One of the reasons why the standing orders put it in the hands of the subcommittee to determine the timing, under this clause 123, of designations from individual members of the committee on subjects was to take away the right of the majority to block that process.

Now here is what you have to consider, and this does not perhaps alter the question of whether there may be merit in delay or not. We will come to that in a minute, but what you have to consider in the context of the question of whether this motion is in order is the precedent that will be set. What you will, in effect, do if you rule that a motion to defer by a government member under clause 123 of the standing orders is in order is you will hand to the government members the power to negate this section of the standing orders totally, because therefore in future any motion to defer will be in order regardless of the substance.

Interjection.

Mr Charlton: Oh yes, if the motion to defer is in order, then any motion to defer is in order. You cannot determine whether a motion to defer is in order by the merit of its substance.

Mr Polsinelli: Jurisdiction, Brian.

Mr Charlton: It is not a question of jurisdiction either. Let's get to the substance of the motion. In the committees of this Legislative Assembly we have a very long tradition of investigation. We happen to be operating under a new section of the standing orders in terms of how we get a topic on the agenda of this committee. But that is the only thing that is new in this clause, the getting of the topic on the agenda of the committee. Legislative committees of this Legislature, the committee of the whole House of this Legislature and the House itself have been involved for 120-odd years in investigations of matters and people. We have had one Supreme Court decision that you people are trying to tell us should alter totally the way in which this Legislature operates.

Mr Carrothers: That is exactly what the Supreme Court decision is doing.

Mr Charlton: You are saying to us, and we do not happen to disagree, that the matter is before the Legislative Assembly committee. But come on, grow up, be realistic. Whatever comes out the other end of the Legislative Assembly committee will be a package of recommendations to the House, based on some legal consultation and legal opinions. It will not in any way, shape or form define or ensure what rights or powers this committee or any other committee of this House has. Based on what happened around the Houlden inquiry, there will be challenges of other things that we do hear, whether it be in judicial in-

quiries, royal commissions or committees of this Legislature. There will be witnesses who get called who do not want to appear who will go to court to try to avoid that, no matter what the Legislative Assembly committee says or brings out as an opinion.

Sometimes we may win, and other times we may lose. But we cannot run away from our responsibilities here in the Legislature, or our rights under the standing orders, for fear of being challenged and for fear of being wrong from time to time. We are all human. We will be right sometimes and we will be wrong others. When we are wrong and we are challenged, the power of the law will be brought to bear on us.

Mr Ballinger: That is about the strangest logic I have ever tried to follow.

1140

Mr Charlton: As I said, the Legislative Assembly committee cannot define in any clear terms that will be enforceable what the powers of this House or this committee or any of our other committees are.

Mr Furlong: But shouldn't that be decided before we start proceeding?

The Chair: Order.

Mr Charlton: We have standing orders. The motion to defer is out of order. If there is any question of the timing of this matter, it is a question to be dealt with in the subcommittee, not in this whole committee. The standing orders are clear on that. This motion to defer is a question on the timing of this matter and it is out of order.

I repeat, Mr Chairman, just in summing up, that the decision you make on this motion to defer is a decision that will set a precedent that will wipe out the opposition ability under standing order 123 to bring motions to designate matters for investigation by the committee, because a motion to defer is a motion to defer; and if it is in order, it is in order; and the government will use that technique, and you know it very well, Mr Chairman.

Mr McGuigan: Having been in opposition for eight years, and I guess also being a member who is perhaps not very parochial or not very political, I have always had a lot of sympathy for opposition. I think this business of bringing 12 hours to opposition members is an excellent move and I support it. I think Mr Charlton, who has served with me for those eight years, would admit that I have always tried to be very fair with opposition members. But we also have to be fair with Canada. We have a great debate going on in this country right now about Meech Lake and whether Meech Lake overrides the Charter of Rights and so on, and we are awaiting that decision because the results of it perhaps determine whether Canada is going to stay together or not as a nation.

So when we are talking about jurisdiction, it seems that it overrides our parochial or partisan situations here. I for one would not want to be part of a committee, I do not think I would want to serve on a committee that is flying in the face of Supreme Court decisions and which would have an effect on people's lives, as has already been mentioned by some of our lawyer friends, an effect on their lives where they are not given their proper methods of accounting and proper methods of defence.

I do not think, because this is such a mixed-up affair that we are working with here, that our decisions are really going to be considered as setting precedents. This is such a sensitive issue,

such a legal issue, such an involved issue, that I do not think the opposition charges, that what we are doing here is taking charge of everything and from here on it can never have its way, I do not think that is the case at all and I would urge you, Mr Chairman, to find that this motion is out of order.

The Chair: This is always a learning experience. Having sought the advice of the clerk of the committee and other individuals from the office, and given my understanding of the current wording of the deferral motion—Mr Polsinelli alluded to a couple of weeks. That is not part of his motion at this time, unless he is prepared to bring an amendment. I spoke to the clerk with respect to the Speaker's direction of the discussions of the Legislative Assembly. The Speaker cannot direct the committee to do anything. The committee can set, to a degree, its own agenda. So he suggested that the standing committee on the Legislative Assembly may want to look at it. In fact, they are. It is under consideration.

Again, I come back to there was nothing procedurally incorrect with Mr Runciman's request to the subcommittee. There are some perceptual problems I have in terms of the press release that accompanied the package of material that went to the press. The advice I was given was that a committee cannot remove itself from the effects of the standing orders. Only the House has the ability to change the standing orders or to remove individuals and/or committees from the effects of the standing orders.

The question is, does the deferral motion remove the committee from the effects of the standing orders? That was the question I posed to them, and they said it really does in two instances: "You have to make a judgement in two instances:" One is, does it do away completely with the subcommittee report? In this case, it does not. What we are saying is they are looking for a deferral. Does it unduly delay the subcommittee report and the matter to be considered? On that point it does, unless I hear an amendment with respect to a couple of weeks. I guess I want to make a very fine point on the process. Is the process of a deferral basically exempting the committee from standing order 123?

There is another process by which members could bring to the attention of the House their concern with respect to a matter being considered by the Legislative Assembly committee, and that could be via a report to the House making a request that there be a suspension temporarily of the application of 123(c) to the matter of the standing committee on general government, and that would be a subject for the House to discuss. Under the powers of the committee, we are servants or slaves of the committee.

I am going to have to rule that Mr Polsinelli's motion is out of order at this particular time. As I say, I am focusing on the process. Is a deferral matter, the way that it is currently worded—it is not seeking to do away with; it is, in a sense, seeking to delay for an unknown period of time because we have another committee that is looking at the matter. I am going to have to rule that Mr Polsinelli's motion is out of order.

Mr Polsinelli: Mr Chairman, given the implications of your ruling and the implications of the motion, and the question of jurisdiction that has been raised by the motion, I have no choice but to challenge your ruling.

The Chair: Okay.

Mr Charlton: Whoa, you cannot challenge the Chairman's ruling. You can ask the committee to appeal his ruling to the Speaker. You cannot challenge his ruling. It is standing order 118(a).

The Chair: "The Chair of a standing or select committee shall maintain order in the committee and decide all questions of order subject to an appeal by the majority of the members of the committee to the Speaker. No debate shall be permitted on any decision of the Chair." So what you are asking for is, if my order—

Mr Charlton: You have to move that the Chair's ruling be appealed to the Speaker.

Mr Polsinelli: Okay, that is what I move.

The Chair: Mr Polsinelli moves that the Chair's ruling be appealed to the Speaker.

Mr Runciman: A recorded vote, please.

The committee divided on Mr Polsinelli's motion, which was agreed to on the following vote:

Ayes—6

Ballinger, Carrothers, Furlong, McGuigan, Nixon, J. B., Polsinelli.

Nays—3

Bryden, Charlton, Runciman.

The Chair: So there will be a report prepared by the clerk to go to the committee for his decision.

Clerk of the Committee: It will go directly to the Speaker.

The Chair: Sorry, it will go directly to the Speaker.

Mr Runciman: Just a question of procedure: I am just wondering how quickly that will proceed. Is this going to have the same impact of a deferral motion? How quickly will this—

The Chair: I raised the question with the Clerk's office. My understanding is that it can be dealt with probably as early as Tuesday 29 May, given the Clerk has to prepare a report to the Speaker and the Speaker is going to have to take a look at it. I do not know what the chances of the Speaker rendering a decision this afternoon are. The House is adjourned for next week, the Speaker is physically away from the House on Monday 28 May, and the indication that I have from the Clerk of the House is possibly on 29 May. The committee stands adjourned.

The committee adjourned at 1151.

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Clerk: Carrozza, Franco

Staff: McNaught, Andrew, Research Officer, Legislative Research Service



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Legislative Assembly of Ontario

Second Session, 34th Parliament

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Official Report of Debates (Hansard)

Thursday 31 May 1990

Journal des débats (Hansard)

Le jeudi 31 mai 1990



Standing committee on
general government

Organization

Comité permanent des
affaires gouvernementales

Organisation

Chair: Harry E. Pelissero
Clerk: Franco Carrozza

Président : Harry E. Pelissero
Secrétaire : Franco Carrozza

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 31 May 1990

The committee met at 1011 in room 228.

ORGANIZATION

The Chair: I am going to recognize a quorum and call to order the standing committee on general government. There is an agenda before you. It contains two items: (1) the letter from Brad Nixon regarding the hiring of legal counsel and (2) other matters. Other matters could include things such as an update on the status of the witnesses and also our budget, which we have not dealt with yet.

Mr Polsinelli: Mr Chairman, you will recall the events of last week where the Speaker of the House ruled that my motion was inappropriate. Unfortunately, that is the end of that matter. I think there is still a very deep concern about proceeding with these hearings by ourselves and without the advice of counsel, so I think what we should do is get a lawyer to advise the committee prior to the witnesses being heard. That is not a new practice; that has been done by many committees when they have undertaken these types of investigations.

I would move that legal counsel be retained pursuant to standing orders 119(b) and 119(c) and that the schedule of witnesses be prepared with the advice of such counsel.

The Chair: Could you provide a written motion to the clerk, if possible?

Mr Polsinelli: Sure.

The Chair: Okay. Maybe you could repeat it again a little slower.

Ms Bryden: On a point of order: Could we defer discussion until we have the motion in front of us, and deal with some other matter?

The Chair: That sounds like a reasonable request. Can we deal with our committee budget? Maybe the clerk could distribute that until we get copies of Mr Polsinelli's motion. I would ask the clerk to take us through it. That is probably the easiest thing to do.

Clerk of the Committee: The explanatory note is on the last page, what this budget is for. This is a standard type of budget, similar to what was approved last year. The first page shows the meeting per diems allowed for if the committee were to meet for three weeks in the summertime and three in the spring of 1991. This is the annual budget. It provides for the per diems for the members and the chairman; the meals allowance; travelling for the 11 members—that is, the mileage, or if the members are in northern Ontario and they wish to take trains or airplanes; advertising costs for all daily papers in the province for English and French, \$10,000, and this will provide for two occasions if the committee so chooses; translations, if the committee is required under the French Language Services Act to translate its reports, and this will provide for one report. The cost today of a page of French is approximately \$100.

The next item, simultaneous interpretation service, is if the committee travels outside Toronto and visits areas that require French translation. This will provide for that. The witness fees

allow for if the committee wishes to have some expert witnesses, to pay for their expenditures. The printing cost is for the Xeroxing of documents. I am sorry, the first item is printing of the committee reports. Then there is a miscellaneous for Xeroxing of documents. The catering is if the committee chooses coffee. Postage is for all our mailing. Long-distance phone calls: the Legislative Assembly provides that individuals in the province of Ontario can call committees collect. That is what that is for. The courier systems: to give you an example, we couriered the letters to the witnesses that you gentlemen chose to hear. Miscellaneous is simply that.

You will note that it does not have the costs of the legal counsel. If the committee approves of that idea, then we simply add it to the budget. The process is that the committee reviews it to its satisfaction. Then someone moves a motion and it is adopted. I send a copy of the budget to the Board of Internal Economy and it will approve the final budget.

Ms Bryden: I just wondered about the simultaneous interpretation services. When we meet in Toronto, if there are francophone speakers or deputations, do we use one of the rooms that are wired for simultaneous translation?

Clerk of the Committee: That is correct. Right now we have one permanent room, which is 151, and the Legislature has provided for, on very short notice, a booth for translators to be set up within an hour and a half, as soon as we find out. So we have two facilities for French translation. The cost in this one is if the committee travels.

Mr Runciman: Again, the process here is that if we approve the budget today, perhaps incorporating \$20,000 for legal counsel, or \$100,000, then this is going to the Board of Internal Economy. As I understand it, the board's next meeting is 11 June, which is not next week but the following week. I am just tying this in with Mr Polsinelli's suggestion of approval by this committee of the retention of counsel. Approval would not be forthcoming until, at the earliest, 11 June, which in essence means we have pretty well killed the hearings of this committee in respect to going into York region. That, again, is the intent of Mr Polsinelli, I am sure, in this whole exercise.

The Chair: Anyone else to the budget?

Mr Ballinger: I have lots of things to say, but not to the budget.

The Chair: Having taken note of Mr Runciman, what I am prepared to do is stand down a vote on the budget until we deal with Mr Polsinelli's motion and, if we can come up with a dollar figure, incorporate that into the budget so that we do not have to have two separate requests to the Board of Internal Economy.

1020

Clerk of the Committee: Let me clarify. I have spoken to the controller's office, and if the committee approves the budget today, all they requires us to do is to send them a copy this afternoon. That will be placed on the agenda as soon as they

can, which will be 11 June, as Mr Runciman said. We had a fast track.

Mr Runciman: I guess I am prepared to support Mr Polsinelli's motion if it is amended to indicate that counsel is ready to go next week so that we can commence hearings next week with counsel and have a schedule of witnesses for at least the first two weeks of hearings. If that cannot be part of that recommendation, I know that I cannot support it, because I think the intent is not an honourable one.

Mr Polsinelli: No, that's not true.

Mr Runciman: I hope I am wrong, but certainly from what we have seen in respect to the actions of Mr Polsinelli and his colleagues in the way they have been dealing with this matter, it leads one to believe that is not the case.

The Chair: We will just make a copy of this. I can read it and then we can really start talking about it.

Mr Polsinelli moves that legal counsel be retained to advise the committee pursuant to standing order 119(b) and 119(c) and that the schedule of witnesses be prepared with the advice of such counsel.

Do you want to make any opening statements, Mr Polsinelli?

Mr Polsinelli: Mr Chairman, I have no problem with Mr Runciman's motion other than the fact that my motion does not have any time limitations. If we can get the money approved to retain counsel, we can start tomorrow. I do not care. But I would hate for the committee to start spending money that it does not have approval for. I could not support something like that, and neither could Mr Runciman, I am sure.

Mr Runciman: The reality is that we are not going to get approval until, at the earliest, 11 June. That is the crux of this thing, and what in fact that does is kill the hearings. That is what it does. A request was made by the Progressive Conservative Party for 12 hours. It is the first time any opposition party has made such a request under the new standing orders. We have been jerked around ever since we starting talking about this, with efforts at obstruction at every turn. This is another effort in that game plan.

Mrs Bryden has talked about the New Democratic Party wanting to bring forth a motion as well. Obviously they are not going to have an opportunity because we, with our first crack at this under the new standing orders, are being frustrated at every turn. We made the request for the 12 hours, we made the request for the investigation into that decision in respect to the York region development and we feel that it is appropriate to proceed without counsel. We do not think it is necessary to have counsel. If you require some counsel advice, I am sure we can draw on counsel from legislative research. We have done that in the past in the standing committee on public accounts and the standing committee on the Ombudsman.

Mr Ballinger: It depends whose ox is being gored, doesn't it?

The Chair: Order.

Mr Runciman: I think what we are seeing here is a concerted effort to undermine the rules of the Legislature, the standing orders of the Legislature, and certainly to undermine the intent of the decisions that were taken some time ago to try to streamline the operations of this House, this Legislature and its committees. It is a shameful exercise on the part of the

Liberal members of this committee with, I am sure, the full support of the leadership of their party.

Ms Bryden: I am concerned that the motion does not even suggest how much should be put in this item. I think for a hearing that can take 12 hours it could be substantial, but also I understand that we do have a representative of the Attorney General sitting on most committees. Is that not correct?

Clerk of the Committee: The lawyer is Andrew McNaught; he is from legislative research. Legislative counsel assists us with legislation; the research is done by our legislative researcher.

Ms Bryden: So this is different from what the legislative counsel assists us with.

Anyway, to continue my remarks, I do feel that it certainly looks like another stall. We have already lost three weeks, and part of those three weeks is due to the fact that the Liberal representative on the steering committee was not available to meet before this meeting and perhaps get some agenda for today that would include a start of the hearings.

Also, the New Democratic Party has a very direct interest in this decision as to when we get Mr Runciman's motion under way and when we get the requested hearings, which have been approved, Mr Chairman, I point out to you, by the general government committee, when we get those hearings under way you have to remember that we probably only have four or five meetings before the end of June and that the Premier has indicated that he is available to appear, on Mr Nixon's proposal, on 7 or 14 June. He probably has no other dates open, so if we do not get started today the Premier's dates may disappear. He may not want to be the first one to appear, which would be next week, since he is not planning to be the first witness. So that is something we have to consider. Are we trying to let the Premier off from appearing before this committee when he has indicated his agreement and willingness? Can another date be found for him if we do not proceed today?

If the legal counsel is not approved until 11 June we may miss a further Thursday, so I think the whole thing certainly looks like an attempt not to deal with this subject and not to deal with the new opportunity we have, under standing order 123, to investigate any matter that is submitted by any party. All three parties have the opportunity to request that topics be discussed. I think it is a very bad start for the implementation of standing order 123 to find that the first item that has been presented has had all sorts of roadblocks put in the way of getting the hearings started on the approved date. Actually, it was supposed to be 17 May, which was approved by the subcommittee on committee business.

The fact that we were not able to get a meeting of the subcommittee together before today, in order to take advantage of today's time and have some of the witnesses appear, is due also to the Liberal Party's representative bypassing or ignoring the requirement in the motion that we adopted to set up the subcommittee on committee business, which was that substitution is allowed. It would appear that if it is not possible for the representative of any party to be available at a specified time when a meeting has been called by the others or has been requested by the others and by the Chair, it behooves that party to produce a substitute. It does not necessarily have to be one of the regular members of the general government committee, although they do have more experience in what has been going on regarding this issue in the committee. But any one of the, I think, 93 members from the Liberal Party could have substituted this week, I would have thought, in order to get a sub-

committee meeting together and to get something on the agenda for the day relating to Mr Runciman's motion.

Certainly, as he has pointed out, the longer his motion is delayed the more you cut out the opportunity for the New Democratic Party to get a motion in before the end of June. Under the original schedule, starting 17 May, there would have been time for three sittings on Mr Runciman's motion and two on the NDP motion. You may recall that the NDP did submit a proposal to the subcommittee earlier which was ruled out of order, but it was asked—requested really—to reword the proposal in order that it fit into the terms of standing order 123. We were quite willing to do that and we learned quite a lot in the process at the meeting as to what was permitted under standing order 123.

1030

We have now reworded our motion and resubmitted it to the Chair and the clerk to go before the subcommittee on committee business. If there had been a meeting before today, that could have been dealt with by the subcommittee on committee business so that we would have had on our agenda for today that request as well. But until the subcommittee on committee business meets, we cannot deal with that second item of business, which is how to get Mr Runciman's hearing under way as soon as possible and how to get the NDP motion at least considered and, if accepted, scheduled. The committee's job is not to decide on the content of the submission from each party, but to decide on the scheduling and the hearing.

I think the conclusion we can draw is that the Liberals are trying to stall this issue and do not want it to be heard. I would oppose any motion for legal counsel.

The Chair: Before I call on Mr Polsinelli, Mr Carrothers and Mr McGuigan, I would for the record pick up on two points, one that Ms Bryden raised as well as one that Mr Runciman raised. I will start with Ms Bryden in terms of her and possibly the NDP learning quite a lot about the process, given that this is the first time a subject matter to be dealt with by a subcommittee to the committee had been requested.

The Chair is learning quite a lot about the process and I think I have identified some weaknesses in the standing orders in terms of direction once a subcommittee report comes back to the full committee. It talks about 12 hours; it does not talk about how those 12 hours should be used in terms of whether we are going to write a report. It does not talk about opening and closing statements and all the other usual things that happen when a committee undertakes a subject. I am making a determination, subject to it being challenged by anyone, that the 12 hours on this matter have not started running yet.

Mr Runciman: The way it is going, it never will.

The Chair: No. I think if we come back to a learning experience as well as the intent, as I raised last week, the press release that accompanied Mr Runciman's request to the committee certainly left a different perception as to what the committee was going to be undertaking then: the technical wording of the request to the committee.

In having checked that with the clerk, he said technically there was nothing wrong; perceptually there may be a different perception as to what the committee may want to undertake. Recognizing that the Chair has a responsibility not only to ensure a fairness to members who have been requested to appear before the committee but any witness who appears before our committee, and recognizing that this is a new process, I think

everybody is learning a lot in this. I do not get or give the impression that it was a stalling tactic.

Certainly Mr Nixon, in the first subcommittee meeting in which Ms Bryden, Mr Cousens for the Progressive Conservative Party and Mr Nixon were there, raised at that time the two issues that we have spent the last week as well as this week talking about. One was whether it was within our mandate to even consider such a subject and the second one was of retaining outside legal counsel in a letter dated 14 May, which was responded to by the clerk on 16 May, well before last week's exercise. Yes, at that subcommittee meeting the Chair did rule your proposal to be out of order because it did not meet the requirements, and as we all know we run by rules and regulations around here.

I made a decision in terms of saying last week Mr Polsinelli's motion was out of order. I was subject to a challenge by a majority of the committee and it is my understanding it is the first time it has ever happened, period, in the history of the Legislature. It went to the Speaker and the Speaker upheld my ruling as the chairman. So, we are governed as to when we can sit and when we cannot sit, and there are certain things that we can do. We are bound really by the standing orders.

Having said all that, I will entertain some further discussion on Mr Polsinelli's resolution from Mr Polsinelli, Mr Carrothers and Mr McGuigan.

Mr Polsinelli: I am not going to be very long, because what we are talking about are new standing orders, but they have been in effect since September 1989. Nine months ago these orders came into effect. All of a sudden, we have a discovery from Mr Runciman that he wants something done and he wants it done quickly. He does not care any more about protecting witnesses. He does not care any more about protecting the integrity of the committee or the integrity of the process.

He wants it done yesterday, notwithstanding that these new standing orders came into effect almost a year ago. It is a new procedure because we have not done it before and we are all discovering what we can and cannot do.

One thing we cannot do is malign witness; we cannot mistreat witnesses; we cannot badger witnesses. I have been involved in committees which have become kangaroo courts where I have seen opposition members badger, malign and mistreat witnesses. I want to ensure that the integrity of the committee and the integrity of the process are maintained. I think it is essential for those reasons that we retain legal counsel, and for no other.

Mr Carrothers: Let me just add a few words as well. I think it is important as we discuss this that we keep in mind two things: one is the very special powers we have as members and the very special powers the Legislature has—these are the things I commented on at our last meeting—and our need to be responsible as we exercise those powers. I think we also want to bear in mind the reasons behind standing order 123.

I think Mr Runciman will remember there was a report from the standing committee on public accounts about the way we handled estimates. Standing order 123 was put in place at the same time we created the standing committee on estimates for the reason that the estimates process had ceased to be really a financial exercise and had become a policy discussion. The public accounts committee, for one, had felt this was inappropriate and that we should have a way to deal with financial matters and the financial priorities of the ministries and yet leave the opportunity for committees and for the opposition parties as well to discuss the matters of policy as they saw fit,

and which they had used the estimates process to do. So we created standing order 123 and the 12 hours we are talking about.

I guess it is unfortunate the first time that we are now using that power we are not using it to discuss ministerial priorities and policies the way the estimates process had become a policy discussion, but we are now moving to really structure what is in essence a form of inquiry. That is fair enough, but I come back to my point on our special powers and our need to be responsible.

If we are going to move into a very new area, it is not surprising perhaps that we now have to be careful. It is not surprising that it is going to take a little longer to get going. This is not the traditional use of this type of policy discussion that we have been doing in this House. We must be careful of the witnesses. We have to take into account the decisions of the Supreme Court of Canada. We have to be responsible in how we exercise our very special powers, and there is really no other way to proceed than to retain counsel to give us advice.

Last week we discussed the fact that the standing committee on the Legislative Assembly was looking into this very question and suggested perhaps we should wait until it reported, but obviously we are not going to be able to do that. It is incumbent upon us now as a committee to look into these issues and make sure that as we move forward we do it appropriately, we do it responsibly and we protect the witnesses who are coming before us under the types of constraints that the Supreme Court of Canada has put upon us. It is a matter of retaining the reputation of this House and these committees.

I guess my comment to Mr Runciman, who is saying we are trying to delay things, is we are not. This is not the normal procedure of the committee and we are going to have to move a little more slowly and a little more carefully.

1040

Mr McGuigan: Members of the opposition parties can make all the allegations they want about motives; it does not move me a bit, having been a member of a committee—I guess it would be almost three years ago—that was inquiring into somewhat similar matters where we did have the benefit of a lawyer, not only, as Mr Polsinelli has said, for protection of the witnesses and fishing expeditions and all of those types of things that can happen when a bunch of amateurs try to conduct a court, but also for the benefit of the committee itself in giving us direction, in giving advice.

I recall one particular occasion when the committee lawyer pointed out to us that we had to establish a certain point. All members agreed that we establish this point. With the consent of all members, he then polled every member on the point. I can just be personal: when he came to me, I disagreed with my party colleagues. I voted with the opposition and, although we had the numbers on our side, the point was established with the opposition party.

My real reason is that you need that independent advice on how to conduct an inquiry from people who are in that sort of business, in the field, so that you come to the proper procedure and the proper conclusions.

I think that happened in that previous case. I certainly would not want to proceed in this case without the benefit of that same independent advice.

The committee divided on Mr Polsinelli's motion, which was agreed to on the following vote:

Ayes—6

Ballinger, Carrothers, McGuigan, Oddie Munro, Polsinelli, Roberts.

Nays—2

Bryden, Runciman.

The Chair: Can we now have some discussion about a dollar figure so that we can include that in the next item of the business, being the budget?

The clerk informs me that in legal rates you are looking at probably \$200 to \$250 per hour. If 12 hours are required, you are going to probably look at a sum total of 24 hours, because it is my understanding from the legal profession that it is one to one, in terms of for every hour of advice, you have got one hour. So you are looking at 48 hours times \$250, which is \$6,000. Is that right?

Miss Roberts: Usually you put out tenders for this. I think you should find out how you wish to hire counsel and who that counsel is you wish to hire.

The Chair: I am not into the hiring process yet.

Miss Roberts: Before you want to talk about that, I think the Board of Internal Economy allows only \$150 per hour for counsel.

Clerk of the Committee: Miss Roberts, you are quite correct. However, in the past, if you wished to, you could put a ceiling on the amount.

The Chair: That is what I was looking for.

Miss Roberts: Then I suggest you put in \$15,000. Depending on how you deal with your inquiry, you are going to look at the inquiry time, but somebody could spend two to three days just talking to you people to make sure that things are set up appropriately. I think \$10,000 to \$15,000 would be appropriate.

Mr Polsinelli: Mr Chairman, you may want the previous inquiries that were handled by this Legislature. Counsel often interviewed the witnesses in advance of their appearing before the committee. We may want to re-establish that process to ensure that the evidence the witnesses are going to be giving is pertinent and relevant to the consideration under discussion.

The Chair: Okay, without putting the cart before the horse, if we can agree on a \$15,000 figure, then if the Board of Internal Economy passes that, we can have some discussion. I am sure there will be some guidelines we would have to follow in terms of retaining outside counsel and what kind of direction we as a committee would want to give that outside counsel.

Ms Bryden: I think, when you look at the logistics of hiring legal counsel for a 12-hour hearing on a specific subject which relates to one particular incident, you are really blowing the whole thing up into an inquiry similar to what was carried on regarding the nurse at the hospital who was charged.

Mr Carrothers: Nelles.

Ms Bryden: Or regarding the operation of the act relating to sports.

The Chair: The Dubin inquiry.

Ms Bryden: Yes. In other words, you are talking about something similar to what was done for inquiries that had no time limit and went on for months, even years. For 12-hour hearings, it just completely negates the whole idea of standing

order 123, which was to give elected members of all parties the opportunity to examine a specific act or incident which has occurred and which the Legislature has authority to consider under its rules.

I think it just will make it look more and more obvious that the attempt is to get this issue off the agenda and also to prevent the NDP's question coming up, because at the moment the request we have put in is that we wish to have our item considered when Mr Runciman's item is concluded. Now, we would be willing to amend that, of course, and go ahead with ours if it is accepted, but it has not even got to the subcommittee yet.

The member who mentioned that you should call for tenders, I think, is perfectly right in saying that you should not be hiring legal counsel with a possible bill of \$15,000 without calling for tenders. Obviously standing order 123 did not really envisage this kind of large expenditure and this kind of changing the method or the nature of the proceedings into a sort of public inquiry, which is really what it is becoming.

The Chair: I interrupt you there, with all due respect. We are reacting to a request from the subcommittee report initiated by Mr Runciman. As I had indicated earlier and will continue to indicate, his method of bringing it before the committee with respect to a letter to the Chair technically met the requirements. The accompanying press release still causes the Chair a lot of concern around the perception he was trying to leave with the media as to what he was attempting to do with this committee and the individuals who were coming before it.

You mentioned that the intent of 123—and we would have to go back to Hansard to clarify this—was to look at specific acts committed by a ministry or minister. Your request to the subcommittee does not do that. I will take the liberty at this time to read it to get it on the record. It says, "...the relationship between the Office of the Premier and the developers and their companies who have submitted proposals for government-assisted projects or joint public-private development projects through the Office of the Premier and its agencies." To me, if you want to talk about opening a hornet's nest with inquiries, that request to a subcommittee does exactly that.

I would be careful. I am just cautioning you in terms of whether we want to hire outside counsel or not, given that it is a new process and that we are responding to a request from a subcommittee under standing order 123, and we have passed the motion that we are going to retain outside counsel. We are now having a discussion as to the dollar figure that should be included in the budget to allow for that contingency. In fact, if that happens and the committee hearing goes forward, we may have to go back, depending on what we are able to establish through a subcommittee, and hire another set of legal counsel to deal with your subcommittee request, because that request to me does not deal with a specific incident or a specific ministry.

To me, that looks like a wide-open inquiry, and if individuals have charges or allegations to make, there is a proper process for that to happen. Again, I am just cautioning you in terms of wanting our cake and eating it at the same time. The intention of section 123 might be something; unfortunately, in the first case we are using under section 123, it seems to be turning into something else.

1050

Ms Bryden: With respect, I wish to respond. The New Democratic Party motion, as reworded, is not before this committee at the moment because it has not been before the subcommittee. That is point one, and whether it would require

legal counsel or not is another question. My understanding of section 123 is that the subject matter is the prerogative of the party submitting it, as long as it fulfils the section 123 requirement, so we cannot really discuss at the moment the New Democratic Party's proposal.

Going back to what we are discussing right now, which is whether to hire—

The Chair: No, we are talking about the dollar figure now. We passed that motion, so we are talking about the dollar figure.

Ms Bryden: Okay. On the dollar figure, I still agree with the member for Elgin that this should have been anticipated—it was not, of course, in the section 123 rules—and there should be a requirement of calling for tenders if you are going to have legal counsel, and there should also be rules about what the role of legal counsel is. Will he be allowed to cross-examine every single witness? That could take days on a stand in a public inquiry, and this is what we are getting into if we have legal counsel entitled to cross-examine every single witness at length. How are we going to control that, as a committee, within the 12 hours? It is absolutely impossible, and that is why it appears that this proposal is really going to negate the purposes of standing order 123.

The Chair: Mr McGuigan, and then I am going to call the question on \$15,000.

Mr McGuigan: I just wanted, based on my experience on the other committee, to point out that you want to include lots of money. In that case, the lawyer had people working at night summarizing everything that had been said during the day. He came in the next day and presented us with a report that was used as a basis for continuing our discussions.

Since we are breaking new ground, and it has already been raised by the opposition, when does the clock start running? I am sure we are going to hear questions about that. What starts out as 12 hours may not be as short as 12 hours. You could have this thing extending for quite a period of time, people working at night doing research and so on. You need a lot of money.

The Chair: I am assuming that is why the \$15,000 figure is being put forward, because if the maximum that can be used to retain legal counsel is \$150 an hour, divide \$15,000 by 150 and that gives you 100 hours' worth of work for a 12-hour subject. As you say, there are hours and activities that go outside the 12 hours of committee time that is clicking.

All those in favour of including \$15,000 in our budget for 1990?

Ms Bryden: Could we have a recorded vote, please?

The Chair: Certainly.

The committee divided on Mr Polsinelli's motion, which was agreed to on the following vote:

Ayes—6

Ballinger, Carrothers, McGuigan, Oddie Munro, Polsinelli, Roberts.

Nays—1

Bryden.

The Chair: Given that there is no other business before the committee, with the two resolutions that we have just passed, the committee stands adjourned. The clerk will attempt to es-

establish a subcommittee meeting for the consideration of Ms Bryden's resolution.

Ms Bryden: On a point of order, Mr Chair: You have on the agenda just "other matters."

The Chair: Correct.

Ms Bryden: I do not know whether we even adopted the agenda, but it seems to me "other matters" should include how this committee can get ready to start hearings next Thursday.

The Chair: We cannot. With all due respect, we cannot. We passed a resolution that said, "legal counsel be retained to advise the committee pursuant to standing orders 119(b) and (c) and that the scheduled witnesses be prepared with the advice of such counsel." We just included \$15,000 in our budget. That budget has to go to the Board of Internal Economy; the Board of Internal Economy has to make a decision whether it is going to allow or pass our budget—I am assuming it will—which is 11 June. So the first time that the clerk and I could get together to consider either drafting a letter or putting out a letter of request to legal counsel may be some time after 11 June. We may want to have some discussion along the lines of if we are putting out a tender for a request, what that tender should include in terms of pre-examination of witnesses, etc.

By the rules and regulations, we have dealt with the matter until the Board of Internal Economy meets to decide what it is going to do with our budget.

Ms Bryden: It still would not prevent us—and I wanted to put it on the agenda—from having a meeting of the subcommittee, today, if possible, since most of us are here.

Mr Polsinelli: No, two members of the subcommittee are absent.

Ms Bryden: We could find a substitute for Brad Nixon if he is not here, and get everything ready to roll as soon as it is possible so that we do not have to have another subcommittee meeting after the 11th. I would like to request that, instead of adjourning, you ask the committee members—

The Chair: Just so that we are clear on standing order 123 as it applies to a subcommittee, it is my understanding that there are four items which a subcommittee shall consider: the topic to be discussed, the number of hours, the date of commencement and the list of possible witnesses. We have done that. That report has come back to the full committee. As I say, we are now, quite frankly, breaking new ground, and if we have to amend the standing orders, we may have to do so in terms of, does that 12 hours include writing a report? How do we go about it? We are just having discussions around legal counsel.

I have instructed the clerk to contact the members of the subcommittee to meet to consider your proposal, and that is all we can do. That is all I can do as the chairman of the committee, given the motions that we have passed this morning. I

cannot call the subcommittee to deal with trying to streamline the process as to who can appear when because, quite frankly, it becomes fruitless until we have retained outside legal counsel if the Board of Internal Economy grants our request through the budget.

Ms Bryden: So the committee has completely stymied the operation of standing order 123 on this particular item.

The Chair: No, we have not.

Ms Bryden: You have put it beyond any opportunity to be heard this session. We have no guarantee that the Premier will appear at any particular date, even though he had accepted two dates. We have no guarantee that any other topic will be dealt with by this committee during the remaining parts of the June sitting.

The Chair: Not unless a piece of legislation is referred to us.

Ms Bryden: That is true. Yes.

The Chair: Okay?

Ms Bryden: Standing order 123 is a dead letter as far as this committee is concerned.

The Chair: No. Keep in mind that the fairness to the witnesses, to committee members, to government members, to ministers, in my mind has to be the underlying principle. If we have to walk a little slower at the beginning of this process because there are obviously loopholes in standing order 123 with respect to what we can and cannot do as a subcommittee and what we can and cannot do as a committee, they may need to be addressed. But I am not prepared to ride roughshod over anybody's rights and privileges as he appears before this committee.

You made comments that the intention was to look at specific ministries, maybe specific incidents, etc. Quite frankly, again, and I will repeat again, while technically there is nothing improper with Mr Runciman's request to the subcommittee, the accompanying press release gives a different story from what the letters to the chairman and the clerk contain.

I share some of the same concerns, with respect—and I will not make any further comment until we have had a subcommittee meeting—on your motion, given that it seems to be turning into another route versus an inquiry, and we all know what happened to the Houlden inquiry.

Standing order 123 can be useful, depending on how the opposition parties or government members decide to use it, but when, quite frankly, it turns into something more than simply either a kangaroo court or a witchhunt, then the Chair, as would, I think, any member of the Legislature, would be concerned about that.

The committee adjourned at 1059.

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Legislative Assembly of Ontario

Second Session, 34th Parliament

Official Report of Debates (Hansard)

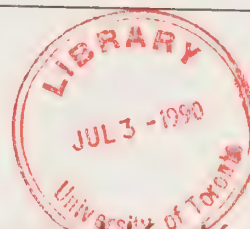
Thursday 7 June 1990

Standing committee on general government

Ontario Lottery Corporation
Amendment Act, 1990

Chair: Harry E. Pelissero
Clerk: Franco Carrozza

Published by the Legislative Assembly of Ontario
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Deuxième session, 34^e législature

Journal des débats (Hansard)

Le jeudi 7 juin 1990

Comité permanent des affaires gouvernementales

Loi de 1990 sur la Société des
loteries de l'Ontario

Président : Harry E. Pelissero
Secrétaire : Franco Carrozza

Publié par l'Assemblée législative de l'Ontario
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 7 June 1990

The committee met at 1010 in room 228.

ONTARIO LOTTERY CORPORATION AMENDMENT ACT, 1990

Consideration of Bill 114, An Act to amend the Ontario Lottery Corporation Act.

The Chair: I am going to recognize a quorum and call to order the standing committee on general government. Today's meeting is to deal with Bill 114. At the request of the Chair we have asked the Minister of Tourism and Recreation to appear before the committee this morning to talk about Bill 114, and I believe he has some officials with him as well.

Once we have had that presentation from Mr Black and the officials we can then move on to making a determination as to how we want to proceed, from the number of witnesses to when we want to call them, etc. So without any further ado, Mr Black, if you would care to come forward and bring forward any officials who are going to appear with you, we are in your hands. I understand you are available to us until approximately 11 o'clock. Is that correct?

Hon Mr Black: Yes, Mr Chairman. I would like to make some introductory remarks which I think address some of the concerns which have been raised by members during the debate in the House. I am pleased to be able to be here today and to speak to Bill 114.

As I indicated in my remarks in the House, I was somewhat surprised at some of the misunderstandings concerning this legislation. Hopefully today I can clear and clarify some of those misconceptions and reassure the people of Ontario that the government is committed to using lottery funds in the most responsible and effective way.

Bill 114 is the fulfilment of a 1989 throne speech commitment to establish a new fund which would provide lottery profits for a new purpose, the protection of the environment. Basically it is very simple legislation. It simply adds seven words to the existing act, and those seven words are "and for the protection of the environment." The amendment gives the authority to expand the uses for lottery profits to include environmental projects. Presently, as all members of the committee are aware, those lottery profits support sports, physical fitness, culture, recreation, social services through the Ontario Trillium Foundation and hospital operations.

It is interesting to review just what lottery profits have been over the past 15 years. Some \$3.5 billion for use of literally thousands of people in our communities in Ontario have been realized from lottery profits. The new amendment will allow that good work to continue. The funds from the new lottery are designed to complement the existing environmental commitment, and I want to stress that. There is no intention to in any way decrease the commitment of this government to funding environmental issues. These lottery dollars will simply be one more weapon in the government's arsenal of measures to provide a clean and safe environment for present and future generations.

One of the issues which was raised during the debate was that by adding another beneficiary the lottery pie will simply be divided into smaller pieces. That assumption, in my view, is not necessarily correct. The consumer research that has been done by the Ontario Lottery Corp suggests that by introducing an environmental lottery we will in fact be bringing new lottery players into the game and realizing new lottery dollars. People who have not traditionally played the lotteries will, we believe, as a result of the research that has been done, begin to support the environmental thrust by becoming lottery players.

Another misconception that was discussed during the recent debate dealt with the process by which lottery profits will be directed to the environment. It was suggested that since lottery profits are paid into the consolidated revenue fund initially, Bill 119 and this proposed revision in Bill 114 had somehow changed the existing process. We all know that that is simply not true.

In 1975, the Ontario Lottery Corporation Act was introduced by the Progressive Conservative government of the day and has always—and I want to stress that—directed proceeds to the consolidated revenue fund. We believe that was one of the very good decisions made by the Progressive Conservative government of the day back in 1975, and certainly it is not one that we should upset. There is nothing in this amendment that will change anything that has been going on for 15 years in this province.

What that means is that the Treasurer and the government of the day are responsible for their budget. They are responsible to the people of Ontario. We believe that is an appropriate way for tax dollars to be handled. So what we are doing is continuing the arrangements which have been in place for some 15 years.

Environmental projects will receive lottery dollars derived from a new game which will be introduced as soon as this legislation is passed. In fact, the Ontario Lottery Corp has been ready to introduce the new game now for some weeks.

In Bill 119, this government added public accountability for all lottery profit. Lottery allocations are now accounted for in the Public Accounts of Ontario. Complete information as to how lottery profits are being spent will be readily available and can be monitored by the people of Ontario as the years go on.

Another issue raised by some members of the Legislature during the debate related to guaranteeing lottery funding levels for community groups and individuals in the sports, physical fitness, recreational and cultural fields.

As minister responsible for recreation in this province, let me state categorically that the government has already made such a guarantee. That guarantee was made by the Treasurer of this province. It was made during the hearings on Bill 119.

I want to tell you that I have since met with representatives of all of the major recreational groups and parks groups in this province and they were reassured by those guarantees. Their concerns are minimal because they know that this is a government which keeps its commitment.

We have indeed kept that commitment and the current level of funding for this year. Our commitment has been demonstrated, and I believe very clearly that actions speak

louder than words. So we will have, during the present year and for the next two years, an annual allocation of not less than \$120 million which will be the highest amount ever set aside by any government in the history of this province for culture, recreation, sports and fitness.

Let's look back, if we may, to the time when lotteries began. When the initial legislation was introduced back in 1975, the expectations were modest ones. In fact, the minister of the day—and those who were in the House will remember the Honourable Robert Welch. That name will be familiar to some members of the committee who share the same political faith as the former minister.

The Honourable Robert Welch, a Progressive Conservative minister, said, "We expect sales could reach \$100 million within the next couple of years." Of course, they have gone far beyond that expectation. He went on to say—and I want to read this into the record so that everyone hears it and understands it very clearly; I am particularly anxious that the member for Simcoe East hear this—"We expect between \$40 million and \$50 million to be available for physical fitness, sports, recreation and cultural programs."

Today, I am delighted to say that our government is spending three times the amount that was originally forecast by the Progressive Conservative government of the day. Our commitment to culture and to sports, recreation and fitness is without parallel in the history of this province.

As committee members may be aware, the member for Cambridge made an eloquent statement in support of the allocation of lottery funding for the treatment of those Ontarians who suffer from the disease of compulsive gambling.

I believe that I did my best to say to all members of the Legislature that I had a great deal of sympathy for the views and the position that the member for Cambridge was putting forward. I believe that his concerns are indeed valid. I believe that we have a problem that we want to address. I think where he and I would differ and disagree is on the question of how we should address that problem.

We do not believe that the research that has been done, both in this country and in other jurisdictions, establishes any clear link between compulsive gambling and lotteries. In fact, the research that has been done indicates that the link is at very best a tenuous one.

1020

People who gamble compulsively have two or three needs that are being met by their gambling. First of all, they need to feel that they can control the game they are playing or the situation in which they are involved. They need to feel that they have some ability, although they recognize there are still elements of chance, to master the situation. They do not get that sense when they play the lotteries. We are told—and the study would indicate this is true—that there is simply not that satisfaction there.

So although I sympathize with the member for Cambridge and I am prepared to work with him in trying to see if we can address this problem in some other way, I cannot accept that there is a clear connection between the lotteries and compulsive gambling.

In conclusion, I am asking for the full support of this committee for Bill 114 so that we may refer it back to the Legislature for third reading. I want to stress that the Ontario Lottery Corp is ready to announce and introduce a new game. The people of Ontario have made very clear indications to us that they support the use of lottery funds for hospital and health

care, and we made that change under Bill 119. They have also indicated that they are very supportive of the concept of using lotteries for environmental purposes. We would like to get on with the job and we ask the support of all members to allow us to do that.

Mr McLean: Since Bill 119 was brought in to include health care, how much has been spent on health care over the past year from the lottery games?

Hon Mr Black: If I may, I will get those exact figures. I believe they were put before the standing committee on public accounts, but I can get them and respond to the member.

Mr McLean: Was a new game established for health care?

Hon Mr Black: No, there was not. The member would recognize that the profits from lotteries have been in the neighbourhood of close to \$500 million annually and that we have been directing in the range of \$110 million to \$115 million of those proceeds into culture, recreation, sports and fitness. The balance of that funding or those profits has gone into the Ontario Trillium Foundation—and that once again has been an ongoing program—and to health care in the province.

Mr McLean: The new lottery has been mentioned many times. I fail to see a new lottery anywhere in this amendment. Can you explain to me where this new lottery is?

Hon Mr Black: This is enabling legislation which provides the legal basis for the Ontario Lottery Corp to establish lotteries. I would point out to the member that there is no mention in the existing legislation of any of the lotteries that currently operate in the province. It has not been the tradition or the custom to put into the legislation the exact name of lotteries, because those games change from time to time. Public acceptance and public support of them changes from time to time. So what we are doing in the legislation is announcing that we will have a flow of funds from lottery profits for environmental purposes, and then we will be announcing a new game which does not require legislation once this has been passed.

Mr McLean: So it really is a new game, not a new lottery?

Hon Mr Black: It is a new lottery game.

Mr McLean: At the present time I do not have any more questions. I have to go into the Legislature to speak shortly and I do not know what is going to take place here with regard to organizing the committee work. I am in your hands as to what you want to do.

The Chair: I am assuming Mr Black will give to the clerk of the committee the figures that Mr McLean requested.

Hon Mr Black: I will.

The Chair: And the clerk will distribute them to committee members.

Mr Fleet: Mr Chairman, on a point of order: I just wanted to clarify the question that was raised about the health care figures. Could somebody just restate what the request is?

Mr McLean: I asked for the amount of money that went from lottery funds into health care in the last year.

Mr Farnan: I am always inspired when I hear the good minister speak so eloquently on a topic near and dear to his heart. I just wanted to know what the arrangements were by which the committee came to have the minister open the debate this morning. Is that customary?

Mr J. B. Nixon: Yes, it is customary.

Mr Farnan: Okay, that is fine. I just wanted to understand that.

I would ask the minister at this stage, rather than keep him here unduly long this morning, because I know he has a tremendously busy load not only as the Minister of Tourism and Recreation but as the warlord on drugs in the province, and therefore tremendous demands on his time, if at the conclusion of the hearings we could have a commitment for him to be here for a period of time so that we could at that stage have an exchange of some of the ideas that may have been generated as a result of the hearings. Would that be possible?

Hon Mr Black: If I am available, I can commit to certainly being present. If not, my parliamentary assistant will be ably filling in for me. He is a man of considerable experience, knowledge and understanding and I know he will be pleased to attend these hearings and represent me.

Mr Farnan: Who is the parliamentary assistant?

Hon Mr Black: Ed Fulton.

Mr Farnan: Indeed a noble and talented member.

Hon Mr Black: All of us would agree with that statement. I have no issue there.

Mr Farnan: I have a couple of questions then, but I would defer if it is the consensus of the committee in order to make the arrangements so that the member can get back to the House. Is that what you wish, Al?

Mr McLean: I would like to know what the process is going to be. I am not on this committee, I am just here to find out what is taking place. Are we allowed two days? Are we going to have people in? What are we going to do?

Mr Farnan: Before we take off at a tangent, I was asking the minister if it was agreeable to his schedule for him to stay while we got the schedule set up, and then I could ask the questions. If not, I would ask the questions first.

The Chair: I believe the minister has indicated he is available at our disposal until 11 o'clock.

Mr McLean: You'd better ask your questions. He might disappear early on us.

Mr Farnan: Basically, the minister's statement this morning, ably presented as it was, was simply a reiteration of the minister's comments in the House and really added no new information to the committee nor offered any additional hope in the sense that there was any additional reflection or generosity of spirit being displayed on the part of the minister this morning. I found that while the minister's presentation was amiable, nevertheless the response to the request remained firmly negative. Of course, I regret that.

I want to briefly make a couple of comments here on the two areas we talked about. As far as the compulsive gambling goes, you have consistently said research does not establish the link between compulsive gambling and lotteries. Certainly, you did express that you were prepared to look at a study into gambling in the province vis-à-vis lotteries, and that is valuable. I put it to you that it is not necessary to have a link between gambling and lotteries in order for you or the government to provide for an obvious need that exists in our province. Is there a need for a gambling rehabilitation clinic in Ontario? I am not

talking about lotteries, I am talking about whether there is a need.

1030

Hon Mr Black: I am not sure that I can give a definitive answer to that question, because it is not a field that I obviously have studied as closely as you have, nor would I have your depth of understanding of the problem. I think that you have raised a concern in the House that I have listened to very carefully. You have spoken most eloquently and most movingly, and you have aroused enough concern in my mind and the minds of many of my colleagues on the government benches that I think we would want to have a determination of just how serious a problem it is. It seems to me that before we say that there is a need for treatment, we must first identify the parameters of the existing problem. I would be supportive of some investigation of the problem here in Canada and then, once we have it clearly in focus, attempting to address the problem.

Mr Farnan: You are aware that we are sending literally hundreds, thousands, of people to the United States for treatment.

The Chair: Of addiction to gambling?

Mr Farnan: Yes.

Hon Mr Black: I have heard you make that statement and I have no reason to doubt it, because I know you to be a man of truth and honour.

Mr Farnan: I do not have figures.

Mr J. B. Nixon: On a point of order, Mr Chair: Perhaps the member may wish to assist us in providing us with exact numbers.

Mr Farnan: I just qualified my statement, that I did not have exact figures. I am aware of individual agencies that are in the field of—not just for gambling, but it might be drug abuse, alcohol abuse—

Mr J. B. Nixon: Cross-addiction.

Mr Farnan: —yes, and that are in the field of providing a service of making the connections.

I think those two facts together, (a) there is not one single clinic in Ontario or Canada for gambling rehabilitation and (b) the Ontario government is actually paying for the treatment of these individuals within the United States, you combine that and you wonder what kind of a study we would have to undertake. If all we require are the names of individuals who the Ontario government has paid for over the last year, those records are available through the Ministry of Health. If the government can point out where the clinics are in Ontario or Canada—they are not there. I think the facts of the matter are so blatantly obvious that we can establish very clearly that, yes, we need a gambling rehabilitation program and clinic in the province and in Canada. Therefore, that need is there.

Here are lotteries, and we can go through all kinds of studies—and I would agree with you, Minister, I think you are familiar with more research in this area than I am. You mentioned some research out of Iowa that I have not seen, and you have given the link between compulsive gambling and the various criteria that would encourage an individual to be a compulsive gambler. Maybe they are not as evident within the lottery system as they are at a horse track or at cards or whatever, but I believe again there is a percentage—it might be a small percentage, but there is a percentage—of individuals whose

lives have basically had tragic consequences as a result of their addiction to lotteries.

In the very state that you mentioned, Iowa, where the same study says there is no correlation, or not a sufficiently strong correlation—it does not say there is no correlation—Iowa does have a percentage of lottery profits specifically directed to gambling rehabilitation. I believe that in fact Iowa has 13 gambling rehabilitation clinics as a result of the funds directed from lotteries. Is that correct?

Hon Mr Black: I am not aware of that. I know that Iowa certainly has some programs and that lottery profits are used to fund those programs, as they are in New York state. I am not sure of the number of clinics that are present in Iowa.

Mr Farnan: So it is quite conceivable, is it not, that we could do a study? It could in fact come up with basically what the minister has suggested, that there is not the strongest relationship or correlation, or there is not as strong a correlation between lotteries and compulsive gambling as there is between horse racing or cards and compulsive gambling. We could have that conclusion, but in the end we are still left with the fact that in Ontario we have compulsive gamblers in an extraordinary number, whether it is betting on hockey, baseball, horses, cards or lotteries. So we have the need and we have jurisdictions, Iowa and New York, which have actually taken the route of saying, "We will give a small percentage of funds that come from the lotteries and we will use those funds to provide treatment."

Now, I can see that this may be a decision that goes beyond simply your ministry. I am sure it does. Obviously it is a cabinet decision, with a lot of input from the Minister of Health and from the Treasurer and, I would hope, also from yourself. I suppose what I am looking for from you is that your actions in supporting this amendment, in supporting a percentage of lottery funds for gambling rehabilitation, would not be contingent upon the results of the study. The results of the study, as we agreed, will show that the correlation is not as great as with other forms of gambling. I think we know that before the study is done, so we would have to even wonder why we would go about that study. What I am saying to you is, the need is there. Will gambling rehabilitation be provided out of the regular health care budget with its already growing demands? I do not know. Would you like to respond to those ideas?

Hon Mr Black: I would like to respond to two or three things the member has said. First of all, we should put it in a context here. The research that has been done in the United States would indicate that lotteries are well down the list of the kinds of gambling activities that compulsive gamblers—and I am speaking of compulsive gamblers—now like to take part in.

Number one is horse racing; number two is sports betting; number three is casino gambling; number four is commodity speculations. In fact, all of those activities offer the compulsive gambler, I am told, what he wants most and that is the feeling that he can manipulate the odds and he can somehow beat the system and, second, almost instant gratification. He can bet on a hockey game tonight and know the results tonight. With the lotteries, those two things are not necessarily part of the normal process.

I want to say to the member that this government has shown perhaps an anticipation of the points he was going to make, has shown its foresight under Bill 119 by identifying that lottery profits could be used for health care. So we have, already enshrined in legislation in this province, the possibility of lottery funds being used to deal with health problems such as an

addiction to compulsive gambling. There is no need for any further changes in the legislation.

My concern about accepting the amendments suggested by the member would be that by linking to lotteries, we perhaps leave the door open for someone at some future date—it certainly would not be members of my government, because they are understanding people, and the member for Cambridge will recognize that and acknowledge that, and they have great insight. But should some other party come to power in this province, heaven forbid, it might be that someone could draw the conclusion that because there is no direct link between lotteries and compulsive gambling, we should therefore discontinue the funding for whatever programs might be developed in the not-too-distant future.

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What I have indicated in the House, and have indicated to the member privately is, I have heard his concern. I am quite prepared to sit with the Minister of Health and address this concern to her. I would want, as I am sure she would want and as I am sure the member would want, to know the limit of the problem, the parameters of the problem, the kinds of treatments that have been effective.

One of the things that I know from my experience with addiction in the drug field is that not all treatment programs are equally effective, so we want to learn from other experiences, other jurisdictions. We want to know what the nature of the problem is here in Ontario before we begin committing ourselves to specific clinics or a treatment program.

Mr Farnan: I really appreciate this conversation because I think we are getting a better understanding of each others' views on this. Your clarification in terms of funds going to hospitals being potentially available for gambling rehabilitation is one that I am encouraged by. At the same time, I am also encouraged that we are now, I think, talking the same language. We are not simply talking about a percentage of lottery funds for gambling rehabilitation or for the compulsive gambler related to lotteries, but for gambling in general.

There is a need in the province for all of the groups that you mentioned so that in Ontario there is no treatment for those who bet on hockey or those who are doing the stocks and so forth. Therefore, we are both now agreed that the discussion we are having is that gambling in general needs a source of funding. That is the first one.

The other one is that I kind of like the mental gymnastics that the minister has taken us through this morning in terms of, on the one hand, complimenting the Conservatives for their approach of putting the money into the general revenue fund and saying that this is marvellous idea and that we should always stick with it and then, on the other hand, chastising to some degree, gently perhaps but nevertheless modestly chastising where there is disagreement, suggesting that there is some virtue within the Liberal ranks, some monopoly of insight and understanding of issues. It is sometimes difficult for us opposition members to accept that kind of approach.

Mr Carrothers: The truth is difficult.

The Chair: Order.

Mr Farnan: I appreciate this kind of good defence that protects the quarterback in these tough situations.

The second point I want to talk about is the funding for culture, sports and recreation.

Mr Fleet: I just want to raise a point of order. I want to make sure you completed the point that you were dealing with, but you seem to be referring, at times at least to, a contemplated amendment, and the only thing that I have is a copy of a letter that you sent to the clerk of the committee dealing effectively with the process. I am just wondering whether you have something in writing in terms of an amendment that you are proposing.

The Chair: I am going to rule your point of order not to be a point of order. I am going to allow Mr Farnan to continue because it was—

Mr Fleet: Can I ask him a question then?

The Chair: If you will entertain a question, that is fine, but my thought was to have the minister finish. He is here for another 15 minutes. Then we could talk about process in terms of whether Mr Farnan has an amendment or whether the committee has jurisdiction to deal with an amendment or whether we can get the minister back, etc.

Mr Farnan: I just want to point out that the minister has to some degree manipulated the—that is not unparliamentary, I hope. Maybe it is a strong word, as I expressed it. I hope you take this in the manner in which it is meant. I would not want to be insensitive to your feelings.

But in talking about the modest amounts that were available, I think that at the time the Honourable Robert Welch had the perception of the majority of people, that there were going to be very modest revenues generated. I think what has happened is that revenues have gone beyond wildest expectations.

There is a sense in my mind of a government that sees lotteries as, I do not know whether you would call it a cash cow or an area where funds are generated. Could you tell me how much money you spent in advertising lotteries last year? I phoned your office yesterday. I saw a figure in the *Toronto Star* last weekend; your staff may have drawn it to your attention. I think it was in the \$40-million range, and then the figure from your ministry yesterday you will be aware of.

Hon Mr Black: I think the budget of the Ontario Lottery Corp includes about \$25 million for advertising, marketing and promotion. I should say to the member that not all of that money goes into advertising specific lotteries. About \$16 million of that \$25 million goes into specific advertising programs. That represents a relatively small percentage, somewhere in the 3% range. I am not being exact in saying that, but approximately 3% of the budget is spent in marketing and promotion.

If one were to compare that to the private sector, one would find that most private sector corporations would probably spend 8% to 10%, sometimes as high as 12%, of their budgets in marketing and promotion. So the Ontario Lottery Corp, although it does spend what appear to be significant amounts of money, relative to the overall budget and the proceeds being realized, it is a modest amount. I think it is appropriate when one recognizes that we do in fact derive some significant benefits that benefit the people of Ontario from lottery promotion.

Mr Farnan: In fact, the more than \$25 million in advertising is more than half of what Mr Welch was anticipating in revenues in that first year. That is the kind of difference I wanted to draw to your attention.

It is an extraordinary amount of money. I think the private sector would gladly take it off your hands if you felt the desire to relieve yourself of the burden of lotteries in the province but

for the fact that it is generating \$500 million in revenue, and increasing.

I want to hand over the last question to my colleague. I do not accept the minister's premise that the lottery pie will not be put into smaller pieces. I do not accept the research that says there will be new players and new lottery dollars. Some people may initially purchase some tickets because of the connotation.

Now that you can have your crippled child on the ticket or the cancer treatment on the ticket or whatever, you have simply with this legislation provided the marketing executive's dream of an easy sell. It is much easier to sell that crippled child than a symphony orchestra, so I think you are going to sell some more tickets.

We know that the sale of lottery tickets fluctuates. You are aware of what happened in California when the sale of lottery tickets declined. Education was a recipient of funding and therefore the government's commitment to education also declined. I dread the thought that we are putting ourselves in a situation where hospitals and the environment are going to be funded in good lottery years a little bit more generously than in bad lottery years.

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Hon Mr Black: Let me respond to that by pointing out to the member that he is actually making an argument for—and I appreciate his support for this concept, because I had not realized how supportive he was—taking the proceeds from lotteries, whatever that may be, and putting them into the general accounts of the government so that, no matter what the proceeds are, the commitment to fund needed services in this province will not decline.

He would know that this government has already demonstrated, not just talked about, its commitment to health care, to the environment, to culture and to recreation. That is one of the benefits of having lottery funds not designated specifically for particular things.

Mr Farnan: I am just going to make one quick comment, because the minister has succeeded in inflaming a rather temperate member. I just have to point out that when you make these kinds of statements, I know it is good for the record and it reads nicely in Hansard that this is a government that keeps its promises and you have demonstrated this and the other. You know I could sit here and list the promises that have been made and broken.

Therefore, I do not support—I want to make it very clear, because you implied that there was support on my part for this idea of general revenue—I do not agree with this going into the—

Mr Furlong: He said you made a case for it.

Mr Farnan: I certainly did not make a case for it.

One of the amendments I will be putting forward, as members are probably aware, with the exception of Mr Fleet who missed the debate in the House perhaps—

Mr Fleet: No, I was there and spoke to this.

Mr Farnan: The amendment that I will be putting forward is that one third of the profits goes to sports, culture and recreation. That was a commitment. The Treasurer did make the commitment, you are quite right, but so did the Premier make a commitment on auto insurance. The Premier made all kinds of commitments that have not been kept. Indeed, sports, culture and recreation are looking at a situation where the hospitals have been added, the environment has been added. I would

have to say, gee, you know, roads and sewers, we need roads and sewers; let's add them. We need something else; let's add it.

I think we have to designate the funds as one third to hospitals, one third to the environment and one third to the other areas. The public would understand that. What the public is scared of, and I hate to say this, is that this is in fact a slush fund that can be used for an election. The Treasurer says, "We will guarantee \$120 million for sports, culture and recreation," but for the rest of it, as the minister knows, there are no guarantees. It goes into consolidated general revenue and where it goes in there, God knows where it goes, maybe to appear on the eve of an election. That is a reality we have to live with.

Ms Bryden: I really appreciate the minister coming before us to tell us his view of what Bill 114 provides and how it differs from the previous section 9, which designated that lottery funds should go through the consolidated revenue fund—we never disputed that—"in such manner as the Lieutenant Governor in Council may direct, to be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor." That was the original section 9.

In the new section 9, the words are completely the same up to the words "to be available for," and then they drop the designated activities of recreation and culture and put in—I have not got it right in front of me, but it was for allocation through the budgetary process. Anyway, that is what it amounts to. So it says now that they "shall be paid into the consolidated revenue fund at such times and in such a manner as the Lieutenant Governor in Council may direct, to be available for appropriation by the Legislature...." That is the difference.

That means that the Treasurer, in his budget first of all, decides what shall be spent, and then the Legislature accepts, or rejects of course, the final budget. But we know that under a majority government, what is in the budget and what the Treasurer proposes to appropriate is in 99.999% of the cases, and probably in all cases, adopted.

There is a big difference. It used to be designated for recreation and culture; now it is designated for appropriation by the Legislature. Then there are the three categories that are in Bill 119, and that is why we had a lot of debate about Bill 119 when we were dealing with Bill 114.

It appears there is no guarantee in this bill. I think that could have been added to this bill in order to reassure people. There is no guarantee that any of those three categories will get any funds. It is simply up to the Legislature what is appropriated.

The other thing is that the minister says he has met with all the major groups that had been receiving grants under the old section, many of whom appeared before the standing committee that heard people's feelings about Bill 119. He said they were mainly satisfied that the current level of funding will be maintained. This is what they were assured, I presume. The minister said he assured them that the current level of funding would be maintained. Is that correct?

Hon Mr Black: I think what I intended to say, and I am not sure exactly what I did say, was that the groups were satisfied by the guarantees given by the Treasurer when he appeared in front of the committee that was studying Bill 119.

Ms Bryden: What guarantee did he give, though? Did he say there would be no cost-of-living increase? Did he say there would be no new groups added to the pot? What does he mean? Does each group expect the current level to be maintained?

Mr Fleet: Mr Chairman, on a point of order: If the member wants to know what the commitment of the Treasurer was, I would refer her to the Hansard for this committee of Thursday 5 October, in the afternoon. At some later point, after the minister has gone, I would be happy to quote again into Hansard exactly what the commitment was.

Ms Bryden: What we cannot understand is why all sorts of groups have applied this year or in the last 12 months and have been told that there are insufficient funds, even though they meet all the requirements that appear to have been in effect in the past for providing services in the recreational, cultural, sports and other fields.

Hon Mr Black: I wonder if I may speak to that and reassure the member that that is not new this year. In fact, that has been going on for probably all the 15 years that the lotteries have been in operation, when proceeds were being used for a number of reasons. There are always expectations and needs greater than governments have been able to fund. There is nothing new in that position.

In determining which applications are funded in any given year, there are many factors that are considered. The amount of funding is not the only one. We want to know, for example, that when we fund a particular facility or program in partnership with a municipality or with a sports group, it has the capability of meeting its financial commitments, so we are not building around this province a lot of facilities that are going to go into bankruptcy a year or so after they are built.

One of our criteria is always whether it can be shown very clearly that there will be the funds available to operate this facility once it has been constructed. We also want to know that the operation of any facility to which the government provides support will be such that it can be accessed by a wide range of community groups. That is another criterion which is often considered.

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The fact that not all of the applications receive funding I think is a normal process. It has probably been that way for many years and will continue to be that way, I hope, because not every application that comes to my ministry is of equal value, of equal merit. We try to fund the ones that appear to meet the objectives that have been set out for the program. As I said at the beginning of my remarks, \$3.5 billion from lottery proceeds have gone into funding worthwhile programs in this province over the past 15 years.

Ms Bryden: I can appreciate your figures, except that they do not tell us the full picture. That is why I think these committee hearings are very important, to bring to us the full picture of what is happening to the agencies in the designated fields now. We do know that a great amount of previous money that was available did not come out of the consolidated revenue fund until Bill 119 was passed, so it was not spent on anything in that designated field.

I think this committee would like the minister and the Treasurer to provide us with a list of the agencies and groups whom you met and to whom you explained the extent of the Treasurer's commitment. We would like to suggest that this committee should ask the Treasurer to come and give us a fuller explanation of what his commitment meant, whether it does include any cost-of-living increase; what will happen if new groups come in and whether their money will have to come out of the amount that was given last year; and what is happening to

those groups, because you say you have to justify them on their value. That is why we would like a list of the ones you spoke to.

We would also like all the groups that appeared to be invited to appear or to make a written submission to this committee what their circumstances have been when they applied for a grant in the last 12 months. We would like actual figures on what has been spent under Bill 119 since it went into effect last December, showing what each group has received compared to what it received in the previous time; also, where your \$120 million comes from. You say it is the highest ever. How much was it in the previous year and what was the last highest year?

I think it is fair to look at the extent of that commitment of \$120 million. It sounds very little to me when you think of all the culture, sports, recreation and fitness needs of this province. I think we have to look at how that money has been spent since Bill 119; the list of who you have spoken to; and actual statistics on how much each group has received, or requested and not received anything or a reduced amount in the past year.

I think it is quite reasonable to ask this committee to expect this information by our next sitting, which will probably be a week from today.

The Chair: Maybe I could ask Mr Black to respond.

Hon Mr Black: If I may, and then I do have to leave.

Let me say, first of all, that a good deal of the information the member has requested is already available to her through the reports of other committees, through the annual statements from Treasury, through the standing committee on public accounts, which reviews the funding, and through the estimates of various ministries, including my own. I know she would not want me to waste a lot of time duplicating information that is already available.

I can tell her that I meet regularly with the Parks and Recreation Federation of Ontario, which includes the 12 major organizations that are involved in parks and recreation. I met with them on the day of the windup of hearings on Bill 119, I have met with them on one or two occasions since and I am meeting with them again today. Those are regular meetings in which I listen and hear their concerns about funding as well as about many other things.

Mr Fleet: Almost all the information up to the time of the hearings on Bill 119 has been made available to this committee, and members of Ms Bryden's caucus, including Mr Farnan, would have copies. She was here for some of those hearings, as I recollect. There is documentation from the research office answering almost everything. The only things that are not, of course, are those that have occurred since the time of the hearings in September and October to date. But everything else you have asked for is included.

Ms Bryden: If I may answer, I am not asking for old information. I am asking for information since Bill 119 was passed.

Mr Fleet: You did ask for some old information. That is my point.

The Chair: I want to thank the minister. Depending on the deliberations around the process, I still have a couple of speakers. Do you have any officials that you could leave with us for any questions?

Hon Mr Black: Yes. There will be people from my ministry and from the Ontario Lottery Corp.

The Chair: Okay. And again, depending on the process, you made a commitment earlier that depending on what your

schedule is like and what the committee hearing schedule is like, you would be prepared or your parliamentary assistant would be prepared to attend during the final deliberations of the bill.

Hon Mr Black: No question.

The Chair: Is that the clear understanding?

Hon Mr Black: Yes.

Mr J. B. Nixon: I think the parliamentary assistant should be here throughout the hearings.

Ms Bryden: I had other points that I would like to discuss with the minister in his general statement. So I would like him to be invited back so that we have another opportunity. I hope my last comment made it clear to him that I want statistics since the passing of Bill 119 up to the present.

Mr Fleet: I would like to assist the committee by pointing out that there is in fact some information that was provided in the fall. Perhaps our research officer could relocate and recirculate a couple of memoranda.

There was one question that was raised by Ms Bryden on the wording of section 9 in the original act and then in Bill 119. That question was answered definitively in a memorandum of Philip Kaye, dated 20 September 1989, entitled Section 9 of the Ontario Lottery Corporation Act. It is not even a full three pages and it is quite a definitive response. At the time we got it, I recall that it essentially answered any debate on the questioning about the wording, "to be available for appropriation by the Legislature" and that whole issue of prioritization.

In addition, there were memoranda dealing with the lottery grant allocation process. There was a memo by Anne Anderson, dated 4 October 1989. There was also another one by Anne Anderson, dated 2 October 1989.

The Chair: Do you have numbers?

Mr Fleet: I can provide those. My copies are in many cases now marked up with various notes and just circulating photocopies of mine would not be appropriate.

They have provided data about the pattern of spending, which was what Ms Bryden brought up. I think it is entirely relevant to know that information, but it already exists up to the time it was collected, and I know we had some data even for 1989 included as the hearings went along.

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The other element is the commitment of the Treasurer that I referred to. It arose during the hearings and it was in the last half-day session of the committee hearings on 5 October. I would like to read two sentences from that Hansard, because it is obviously going to assist the committee.

You have Hansard, so you can read it to refresh your mind as to what was there, since that was something that was questioned this morning. I agree that the commitment is important. It is an unusual commitment for a Treasurer, almost without parallel, to come before the committee and then make the kind of commitment that he did. I know that it responded in its nature to the kinds of concerns that we heard by groups that came before us.

There were, in particular, comments that had been made the previous day by Robert Johnston, who was appearing on behalf of an individual group but who also previously appeared on behalf of the Alliance to Protect Culture, Recreation, Sports and

Fitness in Ontario, a gentleman whom I have a lot of respect for. I thought that—

Mr McLean: On a point of order, Mr Chairman: I thought that after the minister left we were going to talk about procedure and process. I thought, with the time limit that there is, it may take a fair bit of time to discuss that and I am not so sure that I am here to listen to a lesson from somebody who thinks he knows more than we do.

The Chair: With all respect, Mr McLean, Mr Nixon informed me that when we did get to process, if you were not here, he would get you out of the House. We have not reached process yet. The opposition parties had an opportunity to question the minister when he was here, and you were part of that. The government members have not had that opportunity to question the minister when he was here. Mr Fleet is responding to some questions that Ms Bryden raised and is attempting to provide her some answers, so your point of order is not in order. I am going to allow Mr Fleet to continue.

Mr Farnan: If I could support your statement that Mr Fleet should be allowed to continue and continue uninterrupted, as I was having to put up with Mr Fleet's interjections, I found it quite annoying. I would like him to enjoy an uninterrupted opportunity so that he can understand, perhaps in contrast, the advantage of that. Perhaps it may improve his behaviour during the rest of the hearings.

The Chair: The Chair so notes, and if Mr McLean wishes to be absent during Mr Fleet's presentation, we will notify Mr McLean when we get to process. Just for your information, McLean, until we get a proper substitution slip, if we have to vote on process, you are unable to vote at this time, until we get a substitution slip.

Mr McLean: I had no notion of voting.

Mr Fleet: I am pleased always to hear the interjections of the members opposite.

The last point I wanted to touch on does in fact go to process in some measure, and that is the letter from Mr Farnan dealing with the groups potentially involved. The committee is going to talk further on it, but because the issue of what was brought by the members opposite with the minister did deal to some extent with some of the groups that came before us on Bill 119 and the arguments were made and possible amendments that might come up, certainly it would be helpful if we had, at such time as they are available, any proposed amendments that my friends in either the New Democratic Party or the Progressive Conservative Party have so that we can focus on what exactly they propose. I know that from time to time they have asked for that from the government, so I just thought it might be interesting to hear that.

I do have other comments about the process, but I want to allow other members to comment. I will join in at the appropriate time.

The Chair: I would like to move on now to process, dealing with, I guess, two questions. One is possible witnesses to appear before the committee with respect to Bill 114, as well as timing of those witnesses and potential timing for reporting Bill 114 back to the House.

We have a letter. I believe the clerk has circulated a letter which was sent to the clerk, and which Ms Bryden alluded to, requesting that all delegations that appeared before the legislative committee with regard to Bill 119 be notified. Maybe we could use that as a starting point. I have asked the clerk if there

were any requests to appear before the committee to date. He has indicated there is one group and it was called the Canadian Foundation on Compulsive Gambling. It has made a request to appear before the committee. Mr Farnan, would you care to speak to the letter in terms of the potential witnesses on Bill 114?

Mr Farnan: Yes. I would encourage, in terms of the comment you just made on gambling rehabilitation—I do not know whether you mentioned what they were called—

The Chair: The Canadian Foundation on Compulsive Gambling.

Mr Farnan: Okay. Then there have to be, I suspect, some individuals whom that group might be able to recommend, clinicians. There have to be some kinds of agencies or people in the medical profession who are referring individuals with compulsive gambling concerns to the United States. I would like to see someone from the medical treatment area, if that is possible.

With regard to the letter that I submitted, it has a very broad sweep and what it suggested was that all of the groups that appeared before the committee on with regard to Bill 119 should be at least informed that these hearings are taking place and that they should be informed of the amendment that I will place before the committee, that one third of the funds be designated for—

The Chair: I would like to focus on the witnesses first, for the simple reason that we do not have an amendment before us for the Chair to determine whether the amendment is in order or not.

Mr Farnan: Okay, thank you, Mr Chairman.

The Chair: Dealing specifically with your letter, again, I just want to get some indication as to timing. In Hansard you made reference to two weeks of hearings. The Chair is unclear as to whether you meant two weeks as in 10 days of hearings or two weeks in the sense that this committee only sits twice a week, which is Thursday morning and Thursday afternoon. In the time frame we have, if in fact we invite witnesses there may or may not be a potential to have anybody appear before us this afternoon.

I am not sure what the status of the presentation by the Canadian Foundation on Compulsive Gambling is. If they are unable to meet this afternoon we may be able to schedule witnesses for next week on the 14th, again depending on the number of witnesses. The House is physically not sitting on the 21st, so unless we ask for special dispensation to sit some other time, the only other time is 28 June, when I am sure we will be sitting because according to the parliamentary calendar that would be the last day unless the House is extended. So that is our time frame.

The Chair is having some difficulty when we say we are going to, at a minimum, notify. That is fine, but if we get a request back from all the 114 to appear, we physically do not have the time yet. We do not have, as they had with the previous committee looking at Bill 119, the opportunity to travel, because I believe there was some travelling involved around hearing deputations on Bill 119. That is the reason we are into the discussion about number of witnesses and timing.

You have mentioned someone from the medical treatment area. Again, for the clerk's benefit, without our going on a bit of a fishing expedition, if you could be as specific as possible—

Mr Farnan: I will provide the clerk with a contact from the—I am not sure if they call it a medical treatment—people

who facilitate the arrangement for treatment of individuals in the United States. I believe that if we can let these groups know that the committee is hearing, they do not have to be physically present. It may be that they want to reaffirm their position or support for a guaranteed funding through a very minor brief. Would that be included in—

Clerk of the Committee: I am afraid that it might be a bit physically impossible to do if we meet next week. I have a suggestion for you to consider. As you recall, last time we met there were two organizations that were the umbrella groups for all of these, and there was also another one included. They were called the Alliance to protect Culture, Recreation, Sports and Fitness in Ontario—a Mr Johnston. He pretty well notified all of his groups that we were having a meeting and they called us. The other one is the Parks and Recreation Federation of Ontario. They did a similar notice. If it would be okay with you, I could call these two individuals and ask them to send the message over. It would be much easier and quicker for them to do it than my separately calling each individual and leaving a message.

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Mr Farnan: I appreciate that these are umbrella groups and I think we would get a fairly balanced presentation from them, because I think Parks and Recreation would probably have some degree of support in terms of looking at environment as it is included. So I am not unhappy with those two groups being asked. I think they would be the two critical ones.

However, I think there were some very strong statements made by many groups in terms of Bill 119. I am afraid that there should be a representative of the arts, there should be a theatre, there should be a dance company, there should be one group representing each of the segments that appeared before us. If we had five symphony orchestras, we can get one to come. If we had 25 theatre groups, let's get one or two to come. I do not think we have to have every single group making exactly the same presentation, but I think we should have a cross-section of groups. I suspect, for example, that symphony orchestras, theatres and libraries might be more adamant in rejecting this particular bill than Parks and Recreation might be, for example. Yet if we were to take your suggestion, Parks and Recreation would form 50% of the presentation. I am not sure that really is what is out there.

Mr J. B. Nixon: We have heard that there were a significant number of groups and organizations making presentations on Bill 119. I understand the record of their presentations is in Hansard. I would ask that the research officer review the Hansard and the presentations that were made to the committee during Bill 119 and have a summary available for us before the next meeting of this committee, which is next week. I know it is going to be tough, but I am not asking for an analysis, I am just asking for a summary.

Mr Fleet: It already exists.

Mr J. B. Nixon: If it already exists, then we do not need to do it. Perhaps the research officer can clarify that for us.

We could deal next week with four witnesses: the Parks and Recreation Federation of Ontario, which I think Mr Farnan supports; the Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario; the Canadian Foundation on Compulsive Gambling, and the Association of Municipalities of Ontario. I will move that as a motion if you like.

The Chair: Before I entertain that as a motion, I would like to hear from Ms Bryden.

Ms Bryden: I appreciate that what we are doing really is gathering suggestions together as to who might be invited. I think that is a good idea and I see nothing wrong with the suggestions by Mr Nixon, and also the compulsive gambling group. But I think when we decided to send this out to committee, my feeling was—and I think Mr Farnan agreed with it—that we wanted to at least circularize all the people who made submissions and just ask them if they would like to send in a written affirmation of their submission, or, if they had any additional thoughts now that Bill 114 was in effect, to add that, but not give them an opportunity to appear and then say that we were concentrating on hearing from umbrella groups and that specifically we may want to list the ones we have agreed to.

Time may not permit further hearings or travelling, but before we finalize this list of witnesses, I think we do have to look at the question of whether we should also ask for additional sitting time, because as you point out, there is really only this afternoon, next week and 28 June if we stick to the general government committee's time. I understand Fridays might be a possibility.

The Chair: Not from the Chairman's perspective they are not, to be very honest with you.

Ms Bryden: As a committee, we should look at the possibility of asking for extra time on other days of the week then: Monday, Tuesday and Wednesday after routine proceedings, because until we have that decision made, we are not quite sure whether we can even accommodate the list of witnesses we are now in the process of bringing up. But I would be content with inviting written responses from all of the groups.

The Chair: On Bill 114.

Ms Bryden: From all the groups that appeared on Bill 119.

The Chair: Correct, but for their comments on Bill 114 so that we are clear, because that is what we as a committee are instructed to deal with.

Ms Bryden: The clerk probably has a list or can prepare a list of the people who appeared on Bill 119.

The Chair: To simply ask them if they would want to make any comments on Bill 114.

Ms Bryden: Written comments, and then we will have our research person summarize those contents.

The Chair: Just so that I am clear, I have had a motion from Mr Nixon that will invite the Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario as a group; the Parks and Recreation Federation of Ontario as a group; the Association of Municipalities of Ontario as a group, and the Canadian Foundation on Compulsive Gambling, and that they be requested to appear before the committee next week, 14 June.

Maybe we will deal with that when we come back to—maybe we could tag on to your motion Ms Bryden's suggestion that we notify the 104 groups that appeared before the committee to submit, in writing, any comments they would have with respect to Bill 114.

Mr J. B. Nixon: That is fine with me. I accept that as a friendly amendment. I would also add that I understand a summary does exist of the presenters on Bill 119. Maybe the research officer could just grab that and distribute it and we could

spend the first half-hour next Thursday or whatever day we are meeting on it.

Mr Fleet: If it might help the research officer, the summary of recommendations to Bill 119 covered the whole of the hearings, and the number in the top right-hand corner is 683/89-90 prepared by Anne Anderson.

The Chair: Is there any more discussion or can we just—

Mr Farnan: Does that include the additional individual that I suggested—

Interjection.

Mr Farnan: No, in addition to them, the group that would be referring people to the United States.

The Chair: Do you have the name of that group?

Mr Farnan: I have someone whom I can contact.

Mr J. B. Nixon: Good, I accept that as a friendly amendment. Certainly you can recommend someone whom you—

The Chair: So that we are clear again, we are requesting five presentations. Again, it is a request; whether they accept or decide to make a presentation is up to them. That is the Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario; the Parks and Recreation Federation of Ontario; the Association of Municipalities of Ontario; the Canadian Foundation on Compulsive Gambling, and a name to be provided by Mr Farnan with respect to the clinical aspect, as well as notifying all the groups that had made presentations on Bill 119 asking them if they wish to comment on Bill 114 in writing only.

1130

Mr Farnan: There is just one thing I want to clarify on this, and that is that these groups be notified of the amendments that I spoke to in second reading and that there be two amendments.

The Chair: The Chair has difficulty with that, because we do not have any amendments before the committee to deal with. I am led to believe, in reviewing Hansard with some of the discussion, that some of the amendments you propose, either with respect to dedication of one third, one third, one third or of up to half a per cent of the Ontario Lottery Corp, according to page 67 of the Instant Hansard that I have, a very small portion, up to half a per cent of the lottery profits, would be designated for that purpose.

It is my understanding that as a committee, that type of amendment would be out of order. It would only be the minister who could make that kind of amendment to the legislation. So I am a little hesitant to include anything other than what was referred to us by the Legislature to consider, and that is simply Bill 114.

Mr Farnan: I think to a great degree you are aborting the exercise. I think it may eventually be ruled out of order.

Mr Fleet: It was the last time.

Mr Farnan: Yes, and that is why I say it may be, but the reality of the matter is that what the groups are asking for is that guarantee of one third. I think we are saying, in requesting their presence, "Is there a concern in terms of the guarantee of funding?"

The Chair: Let me just interrupt you for a second. We are dealing with Bill 114, An Act to amend the Ontario Lottery

Corporation Act, and the whole content of Bill 114 is clause 1(c), adding to section 9 "for the protection of the environment." I think the only thing that we can do as a committee, subject to further discussion, is to request comments from the groups on Bill 114 without giving them any direction as to what they should be saying in their representation. I mean, I can understand where you are coming from and I do not think a letter of explanation needs to go along to the groups that are making a representation.

Mr Farnan: You are quite correct. I accept your judgement.

Mr Carrothers: Since we are going to be writing to all of those groups, and you did mention our particular time frame the committee sits in right now, I wonder whether we might want to suggest in the letter, when we write to those various groups asking for their written comments, that they provide it to us by a particular date, if possible, say the 21 June or something, just to show that we have a timetable to meet and we wanted to get the misunderstanding—

The Chair: Can I deal with the second part? If we get agreement in terms of the witnesses, we then can move on to timing as well as the amount of time we want to allow each of those witness groups to appear before the committee. Is there agreement on the first part in terms of the five groups, notification to the approximately 101 other groups requesting if they would like to make representations on Bill 114 and that it be done in writing as well? I said the five groups just so that I am clear, because—

Ms Bryden: Give them a deadline.

The Chair: Yes, we will. I take that as consensus; we do not need to vote on that.

The next item would be—

Mr Farnan: Before you move to the next item, could I request that all members be given a list of the names and addresses of the groups?

The Chair: All 104?

Mr Carrothers: They are right here; I gave them to you this morning.

Mr Farnan: Yes. We have full addresses with postal codes.

The Chair: The clerk should have that.

Mr Farnan: Can I have that information, because obviously, since I cannot make my requests—

The Chair: The clerk will be able to provide—wait a second—

Clerk of the Committee: Under the Freedom of Information and Protection of Privacy Act, I cannot give you those addresses.

Mr Farnan: Can you leave them lying around somewhere, perhaps?

The Chair: I think we should strike that from Hansard in terms of counselling.

Can we go at this? I do not know how we can approach this. How can we approach this?

Clerk of the Committee: What is he requesting?

The Chair: He was looking for, and I appreciate, a—

Interjection.

Interjection: The phone numbers are not confidential. They are in the phone book.

Mr Farnan: I have a list. There is no problem.

The Chair: Okay, we can work something out, either the phone numbers or the addresses, because the phone numbers are public information for most of these groups.

Mr Farnan: And the addresses.

The Chair: The addressees might be, but I appreciate what you are trying to do.

Mr Farnan: I was just going to save a little bit of work.

The Chair: I appreciate that.

We move on to the second point. I will take Mr Carrothers's suggestion of giving a deadline of 21 June. Is that by agreement? Okay.

In terms of next week, assuming we are able to line up all five groups and/or four groups plus an individual or whatever, since we normally take half an hour for presentations, would that be agreeable?

Ms Bryden: Does that include questions and comments?

The Chair: We could probably schedule, I would say, two for the morning, because we do not necessarily always start right at 10 o'clock. So if we say we are going to start at 10:15, if we have just two groups in the morning and then we divide the time up and we do not use the full hour for each group, then we can work it back that way. Then we can slot the other three groups for after routine proceedings, which gives us, at a minimum, 45 minutes per group including questions.

Mr Farnan: Could I request that one of the groups to be given an hour would be the Canadian Foundation on Compulsive Gambling?

Mr Carrothers: That way we give each group equal—

The Chair: I think that is up to the committee to decide.

Mr Farnan: The Chairman just outlined a suggestion for five groups and there are four hours and two hours in the morning.

The Chair: Approximately.

Mr Carrothers: Are there not three in the afternoon?

Clerk of the Committee: Two in the morning and two in the afternoon.

The Chair: No, we have two in the morning and, say, three in the afternoon. Why do we not see whether we can get the Canadian Foundation on Compulsive Gambling to appear in the morning and someone like either AMO or the Parks and Recreation Federation of Ontario would be the other group?

Mr Fleet: The alliance in the morning would be a good idea, if it is possible.

The Chair: The alliance? Okay. Why do we not say that, depending on its schedule, we put the Alliance to Protect Culture, Recreation, Sports and Fitness in the morning and the Canadian Foundation on Compulsive Gambling in the morning and divide the time between the two. Then whatever time is left, let's assume 45 minutes approximately, which would give us an hour and three quarters, roughly—or am I not working

that right?—anyway, the approximate time to be divided among the other three groups then.

Mr Farnan: Sounds good.

Mr J. B. Nixon: Could you go over the schedule again?

The Chair: Okay. We are suggesting that we request the five groups and that for Thursday morning we have the Alliance to Protect Culture, Recreation, Sports and Fitness as one group and the Canadian Foundation on Compulsive Gambling as the other one. In the afternoon, we request the Parks and Recreation Federation and AMO, as well as an individual to be named by Mr Farnan, to make representations and allow them up to a maximum of 45 minutes for a presentation and questions, and that should commence after routine proceedings.

Mr J. B. Nixon: So we will consider the bill?

The Chair: Then we will consider the bill, I am assuming.

Clerk of the Committee: That will be only one day next week.

The Chair: Okay. Anything else?

Mr Runciman: I would like to put a motion on the floor because of what has happened with respect to the referral of this government bill and the matter that I notified the committee of in my letter to you, I believe, dated 26 May with respect to—for lack of a better description—the York region matter. Because of what has occurred, I would like to put a motion, which complies, I believe, with the standing orders on the floor.

I move under standing order 123(e) that—

Mr Fleet: On a point of order Mr Chairman: Before we deal with this motion, I wonder about something that is still dealing with the Ontario Lottery Act, pertaining to the process.

Mr Runciman: I am already in the process of making—

The Chair: I am going to allow him to make his motion.

Mr Fleet: Just so long as it gets heard.

The Chair: We will come back to you.

Mr Runciman moves, under standing order 123(e), that the standing committee on general government appoint a subcommittee to hold meetings to receive evidence and to report back to the committee on the matter which was reported to this committee on 17 May 1990.

Mr Runciman: I reviewed this with the clerk briefly this morning. Under the standing orders, if a reasonable period of time has elapsed since this matter was first brought to the committee's attention and it has not been dealt with, and obviously it is not going to be dealt with now with the referral of Bill 114, I think it is appropriate that under the standing orders we ask for the appointment of a subcommittee to deal with this matter concurrent to the committee itself holding hearings on Bill 114.

1140

The Chair: Any discussion on the motion? Let me make comments on it, because we passed a motion last week that said, subject to the Board of Internal Economy making a decision with respect to additional allocation of dollars, up to \$15,000 to retain legal counsel. I guess I would feel more comfortable entertaining that motion once we know the outcome of the Board of Internal Economy's decision. They are scheduled to meet. Without prejudging, I do not want to rule it out of order

for the simple reason that I respect the position. It is just that I am caught between a rock and a hard place in the sense that we have one motion dealing with the subject matter and it has not been dealt with by the Board of Internal Economy yet.

Mr Runciman: Can I respond to that?

The Chair: Yes, please.

Mr Runciman: My view on that is that if indeed the committee agrees to the establishment of a subcommittee to deal with this matter, I think it would be on the basis of being appointed and being ready to go based on the decision of the Board of Internal Economy. If the Board of Internal Economy decides that it is not going to provide the funding for counsel, we will have to reassess it through the committee, but I think to wait until then means we are going to have to wait until the following Thursday again and try to find time in what you already described here as a pretty busy schedule to deal with this matter.

I think we have the opportunity now. If the committee is of good faith with respect to wanting to see this matter dealt with, it should be prepared to proceed today. If indeed the funding is not there for counsel, I guess we would have to reassess, but I do not see it as a conflict.

Ms Bryden: I would support Mr Runciman's motion. I think it is incumbent on us to appoint a subcommittee to be ready to arrange hearings as per Mr Runciman's motion as soon as possible after we get the decision from the Board of Internal Economy in the event that the decision is in favour.

Mr Carrothers: I think this motion puts on the table again the issue we discussed a couple of weeks ago, which was more than just retaining counsel but which was clarifying our procedure and how we could proceed with an item like this as a committee in view of the Supreme Court decision and a number of other things and in view of the fact that we are striking a new procedure and taking a whole new process before our committee.

I would be uncomfortable at this point without knowing whether we are going to have counsel, and then we would want to have counsel instruct us before we were scheduling witnesses, which I thought was in fact the substance of the decision we made a couple of weeks ago in that we had to hear from counsel as to what we could do and then we would proceed to do what we could do.

I guess the other comment I would make is that because of the very serious nature of the subject matter, I am a little hesitant to see us hold hearings through a subcommittee instead of the full committee.

The Chair: Just to respond to that, it is within the standing orders.

Mr Carrothers: I know it is in order, it is just a matter of precedent.

The Chair: I appreciate that. I guess the operative phrase is,

"Notwithstanding clause (c), where consideration of a government public bill prevents a matter from being considered by a standing committee for a reasonable time, the committee shall appoint a subcommittee consisting of the Vice-Chair of the standing committee as Chair and one member from each of the recognized parties on the committee to hold meetings to receive evidence and to report thereon to the standing committee."

I guess my difficulty in recognizing this as a motion is that we did pass and have discussion last week in terms of the request to retain counsel and look to counsel's advice and direction as to scheduling of witnesses. As well, there was discussion around what the committee could and could not consider in terms of advice from counsel.

I can appreciate Mr Runciman's position. He has not said it, but it is almost saying that it is conditional upon receiving authorization to receive funds from the Board of Internal Economy to retain counsel.

Unfortunately, I think I am going to have to rule your motion out of order at this time for the simple reason that we may be putting the cart before the horse too far from two points: First, the matter has been referred to the Board of Internal Economy; second, if in fact we do receive authorization to retain outside counsel, I would think we would want to have some discussion within the full committee as to what we want that outside counsel to do. It is for those two reasons that I am going to have to rule the motion out of order at this time.

Mr Runciman: We cannot debate a ruling—

The Chair: I appreciate that, so I will maybe not give you that. That is what I am thinking of doing, so I will entertain some further discussion at this time before I think any further.

Mr Runciman: If it would alleviate your concerns, I am prepared to reword the motion so that we can appoint a subcommittee which would not proceed in terms of hearings without the Board of Internal Economy approving the retention of counsel. If that would make you feel more comfortable and find the motion in order, I am certainly prepared to reword it to conform to your wishes.

Ms Bryden: I do feel that since the subject was accepted by the subcommittee and the committee, we have to be prepared to proceed with it. I can understand that our first step in proceeding may be to ask counsel how we can proceed and what witnesses we can call. Our first step in proceeding with a motion that has been accepted officially by this committee is to perhaps let the legal counsel discuss with us how we can proceed, what witnesses we can call and that sort of thing, but if we do not have a subcommittee ready to sit next week, assuming we have a decision from the Board of Internal Economy, then we cannot do that for another whole week. We are losing a week because of the Liberal leadership convention. So I would like to see a subcommittee start this morning that could proceed under those circumstances to look at the whole situation with the counsel when he is appointed.

The Chair: Again, the Chair is having some difficulty in terms of retaining legal counsel if we get authorization. I think we need to have discussion at the full committee in terms of the direction so that all committee members can have discussion as to the direction.

Assume we have the right to retain legal counsel. The next step would be to sit down with that legal counsel. First of all, if we get the right to retain legal counsel, from a timing point of view, we then have to sit down, whether it is a subcommittee or a full committee, and talk about what we want that legal counsel to do, without necessarily saying: "Here is what we want you to do, carte blanche." We do not know, we are just wandering around, so there would have to be some type of communication.

Again, people were concerned last time about putting it out for tender or requesting tenders for that. People in the legal profession would have to respond to that, if they would. So

even establishing a subcommittee would not necessarily mean that the exercise would start much before 21 or 28 June, just from a simple timing point of view.

Ms Bryden: With respect, under section 123 the subcommittee is equal to this committee. When you establish a subcommittee for that purpose, whoever is on that is another general government committee, with the same powers as this committee as a whole. Therefore, they have the right to do all that.

Mr Furlong: So you try to do in the subcommittee what you cannot do in the committee as a whole.

The Chair: We can have some discussion on that.

Mr Fleet: I am at somewhat of a disadvantage, not having been here last week when the matter was dealt with and I have not actually seen a copy of the letter Mr Runciman—I just want to be clear that I understand the facts here, but as I understand the comments that have been made by various members, Mr Runciman is proposing a motion, the nature of which is that it is contingent upon a delay—we could use either the word “reasonable” or “unreasonable” time—and you have a committee which has said it wants to refer something to the Board of Internal Economy, which is understandable in the circumstance. It is quite common that for a variety of procedural matters things get referred there.

I am not quite clear how it is possible. As a matter of simple logic, if the matter has been referred to the board in the ordinary course and is proceeding in the ordinary course, by definition that must be reasonable and therefore there has not been some kind of unreasonable delay. I am not sure how the motion would be in order procedurally if I understand the facts to be as I have just stated them.

1150

Mr Runciman: I can respond to that. I see this is going nowhere in any event, but I mentioned in my opening comments that the government legislation has now been referred to this committee. It takes precedence over the—

Mr Fleet: Of course.

Mr Runciman: —standing order matter we referred to the committee. So the only option available to us if we want to have this matter dealt with is the appointment of a subcommittee. Provision for that sort of a situation developing is also incorporated in the standing orders.

We have had words from the Liberal members over the past number of weeks when I suggested they were using obstructionist tactics to delay this to the point that the House rises and we can no longer effectively deal with this, and they have said, “No, no, no.” I am providing them with another opportunity here through the standing orders which is, I think, quite reasonable with respect to—I am prepared to change the motion to meet the Chairman’s concerns. If we wait until after the Board of Internal Economy and then the standing committee meets next week—he has said it himself—the thing is effectively dead.

If we proceed now and a subcommittee is in place and counsel is approved, we can move rather quickly on the matter and at least perhaps have one or two days of hearings before the House rises on 28 June.

That may not accomplish everything we want to accomplish but we may, as a subcommittee, with the approval of the House leaders, be able to fit in the 12 hours of time within those

last two weeks of the House’s sitting. So it is feasible; it is possible. All we need is the support and co-operation of the Liberal members of this committee who have been unwilling to provide that up to this point.

Mr Fleet: Just about at the end of your last comment, Mr Runciman, you said that you had to have the consent of the House leaders. What we are talking about is still essentially somebody other than this place and this committee.

Mr Runciman: That is not what I said. I am talking about extending sitting hours. The subcommittee may not need it in terms of sittings; I am not sure.

Mr Fleet: It is hard for me to understand as a factual matter how it could be unreasonable to wait for the process to unfold in the way that it ordinarily unfolds and is quite routine in that sense. I appreciate your—

Mr Runciman: I am not going to get upset. I am tired of this baloney. The Liberal members do not want this to go through. They do not want it to be heard. They want to kill it until 28 June. So let’s have the vote and let them kill it.

This is under the standing orders. It was brought in to provide the opposition parties with an opportunity. We gave up the bell ringing and a whole host of other areas to try to be assured that matters the opposition was concerned about could be dealt with and heard. Obviously there is a real flaw in those standing orders because the Liberal members of this committee, under the direction, I believe, of the leadership of their party have at every opportunity obstructed us and made sure that we are not going to be able to hear this matter.

The Chair: Mr Carrothers, and then Mr Runciman suggested we vote.

Mr Carrothers: At the risk of taking us back to our debate of a week ago, I should remind the committee that in fact the sections under which we are now proceeding were put in place as a result of the creation of the standing committee on estimates, and it was intended by those drafting it. I was part of the group that recommended this and Mr Runciman was as well. This would be giving to the committee—because of the fact that the estimates committee would be dealing with only five or six ministries per year, we wanted to leave the ability to discuss ministry policy before the standing committees, as the estimates process had effectively become under the previous standing orders.

I am not saying there is anything inappropriate, but of course under the guise of a policy discussion we are moving into an inquiry and I think we have to move carefully. We do need legal counsel. I again state that I am uncomfortable with moving through subcommittee on something like that. I think that if we were suggesting going after the ministry policy in a normal way, a subcommittee might well not be a problem, but I think that given what we are doing it is inappropriate.

I also point out that the committee has agreed that it is its intention to dispose of the legislation currently before it next Thursday, so I cannot really see that we have had an unreasonable delay by the fact that a bill is before us. I think we have to proceed as a whole committee because we are setting a whole range of precedents which we are going to live by for a long time and we have to be very careful how we do that. I remind the member of the old maxim that justice moves a little slowly but grinds exceedingly fine and we have to move on that basis.

The Chair: After giving it further thought, I will have to rule at this time that the motion is not in order. I am prepared to entertain a motion, I guess, once we have a determination by the Board of Internal Economy. The question with respect to standing order 123(e) resolves around reasonable time and unreasonable time in terms of dealing with the subject matter. I think, in terms of due process, we had a report last week to the Board of Internal Economy. They are going to be meeting. I just have to rule it out of order at this time.

Mr Runciman: I know that we cannot challenge the Chair. I forget the procedure the Liberal members used.

The Chair: You can appeal my decision.

Mr Runciman: I know this will probably be defeated in any event, but for the record, whatever the appropriate matter is—

The Chair: The appropriate matter is you have to appeal my decision.

Mr Charlton: There should be a motion with the committee. It has to be a majority of the members of the committee to appeal.

The Chair: Mr Runciman moves that the Chair's decision be appealed to the Speaker.

Mr Runciman: Recorded.

Ms Bryden: A recorded vote.

The Chair: A recorded vote, okay.

The committee divided on Mr Runciman's motion, which was negatived on the following vote:

Ayes—2

Bryden, Runciman.

Nays—4

Carrothers, Fleet, Furlong, Nixon, J. B.

Mr Fleet: I want to raise another matter that came up from Bill 119. There was also a memorandum that was prepared dealing with the lottery grant application process, the approvals and rejections. In fact Ms Bryden raised that point earlier today. It was something that I was concerned about and I raised a number of questions in the hearings at that time. I am wondering if it would be possible not simply to get that last memorandum, which was 14 September, from Anne Anderson; it was number 659/89-90—in fact it may be possible to do some updating.

I know that the figures I have—it was broken down for both capital and non-capital and there were different ministries involved. There was the Ministry of Tourism and Recreation, the Ministry of Culture and Communications and the Ministry of Citizenship; three different ministries. I know that they organized their data somewhat differently. It may be possible to get things slightly updated.

I know that in the case of one of them, I ended up writing in by hand figures that we were given during the course of the proceedings for 1989 and it may be that that can now get typed up in a fresh way or it may now be provided by the different ministries in a different format, but I think that would be helpful. It would answer some of the questions and concerns that groups raised and that committee members from all parties raised on that issue.

Ms Bryden: I would support Mr Fleet's motion, but I hope it also includes updating the procedures, the administrative procedures for people applying for grants, to whom they apply and what are the forms they have to fill out. If we could have all that for the next meeting, it would be very helpful.

The Chair: Ms Wilson, did you catch the drift of that in terms of what Mr Fleet was—

Ms Wilson: I understand what Mr Fleet said.

The Chair: Trying to update it as much as possible.

Ms Bryden: Administrative procedures for applying for grants of lottery money and the forms.

Mr Fleet: If I recall the evidence, there was evidence to this effect in the hearings on Bill 119. The process is not absolutely identical in terms of the ministerial structure for the different ministries. Some are regionalized in different ways than others. I have no objection with information coming forward.

Again, perhaps with Anne, you might even be able to go and find one or two submissions, in particular from Hansard, that may be particularly helpful in outlining that information. Certainly people were frustrated by the process that they make an application and if they are told they are eligible—that is not the whole process. There is an internal prioritization process and always has been. I think people raised that as a legitimate objection and concern and I shared that, that people were entitled to get a better explanation and more quickly, where they stood in the lineup and that kind of thing.

Mr J. B. Nixon: Perhaps Ms Bryden can help me. Perhaps you can too. Is the subcommittee meeting—

The Chair: The subcommittee is meeting after routine proceedings today right here in room 228.

Mr Carrothers: I wonder if, in light of the fact that we are going to deal with this legislation next week, we should tell the people to whom we are writing of our intention, and perhaps 14 June should be the day we ask them to respond by?

The Chair: No. We said 21 June.

Mr Carrothers: I know that, but we have also now expressed the intention to deal with this bill on 14 June. We should tell them of that when we write to them just to be fair.

The Chair: Okay; fair enough.

The committee adjourned at 1201.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair: Pelissero, Harry E. (Lincoln L)
Vice-Chair: LeBourdais, Linda (Etobicoke West L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Furlong, Allan W. (Durham Centre L)
 McGuigan, James F. (Essex-Kent L)
 Nixon, J. Bradford (York Mills L)
 Runciman, Robert W. (Leeds-Grenville PC)
 Velshi, Murad (Don Mills L)
 Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Smith, David W. (Lambton L) for Mr Velshi
 Fleet, David (High Park-Swansea L) for Mr McGuigan
 Farnan, Michael (Cambridge NDP) for Mr Charlton

Also taking part:

McLean, Allan K. (Simcoe East PC)
 Charlton, Brian A. (Hamilton Mountain NDP)

Clerk: Carrozza, Franco

Staff:

Wilson, Jennifer, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Tourism and Recreation:
 Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)



G-25 1990

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Legislative Assembly of Ontario

Second Session, 34th Parliament

Official Report of Debates (Hansard)

Thursday 14 June 1990

Standing committee on general government

An Act to amend the
Ontario Lottery Corporation Act

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le jeudi 14 juin 1990

Comité permanent des affaires gouvernementales

Loi portant modification de la
Loi sur la Société des loteries
de l'Ontario



Chair: Harry E. Pelissero
Clerk: Franco Carrozza

Président : Harry E. Pelissero
Greffier : Franco Carrozza

Languages in Hansard

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 14 June 1990

The committee met at 1010 in room 228.

ONTARIO LOTTERY CORPORATION AMENDMENT ACT, 1990 (continued)

Consideration of Bill 114, An Act to amend the Ontario Lottery Corporation Act.

The Chair: I am going to recognize a quorum and call the meeting of the standing committee on general government to order.

CANADIAN FOUNDATION ON COMPULSIVE GAMBLING

The Chair: I invite the Canadian Foundation on Compulsive Gambling to come forward at this time: Mr Barsony; the Honourable Paul Hellyer, chairman of the board; and Dr Ralph Pohlman. Do we have a written submission?

Clerk of the Committee: I have not received one.

The Chair: Gentlemen, do you have a written copy of your presentation that you could share with the committee either before or at the end of your presentation, or however you would like to do it?

Hon Mr Hellyer: We could leave it with you.

The Chair: That is fine; that is good.

Hon Mr Hellyer: Perhaps I could lead off.

The Chair: Please, just a second. Mr Farnan.

Mr Farnan: I am sorry for interrupting. I just wanted to make sure. I think it is important that we have someone from the Ministry of Health. I mentioned this to the parliamentary assistant to the Minister of Tourism and Recreation yesterday. I would like to know if there is a parliamentary assistant to the Minister of Health—I think Mr Keyes is the parliamentary assistant—and what staff are here and what groups they represent. If there is a member of the staff here from the Ministry of Health, would he or she identify himself?

Mr Fulton: I can tell you four of the five people are from the Ministry of Tourism and Recreation. The young lady in the blue and white I do not know.

Mr Farnan: So there is absolutely nobody here—I want to get that on the record—from the Ministry of Health.

Mr Fulton: That would be part of the record; it is in Hansard.

Mr Farnan: That is right, but we talked about this yesterday and agreed it would be a desirable thing that someone from the Ministry of Health should be here, particularly for this delegation.

The Chair: I will take that as so noted and ask Honourable Mr Hellyer to please continue.

Mr Farnan: Could you, Mr Chairman, make a phone call for someone to get up here?

The Chair: No, the chairman will not do that. We have a delegation invited—

Mr Farnan: Can you give instructions to the clerk to do so?

The Chair: The chairman has invited a delegation to make a representation and they are in the process of doing that. For the next 45 minutes to an hour, gentlemen, we are yours.

Hon Mr Hellyer: My name is Paul Hellyer. I am chairman of the board of the Canadian Foundation on Compulsive Gambling, an organization that was established to acquaint the public more fully with the last of the closet mental diseases, to encourage governments to provide diagnostic and treatment facilities for pathological gamblers and generally to engage in research and other related projects.

I became interested because a very well-known Toronto businessman who is a very close personal friend of mine has a son who is a compulsive gambler and his life, for the first 50 years, was in effect ruined by this habit, this addiction. That is how my involvement began, and I must say it has been a great revelation to me as I learn more and more about pathological gambling and meet people whose lives have been affected and whose families have been directly affected by it.

I am not making the presentation today; I just thought I would introduce myself. I now call on Tibor Barsony, our executive director, to make the presentation on behalf of the foundation; then he has a number of witnesses he would like to present briefly. Dr Pohlman would like to speak briefly, and then we have three or four people who can explain in their own terms how their lives have been affected by being addicted to the gambling habit.

Mr Barsony: I would like to thank you for this opportunity of allowing us, the Canadian Foundation on Compulsive Gambling, to appear in front of this committee and make a presentation.

As gambling became increasingly popular and a socially accepted activity some 20 years ago, the US National Council on Compulsive Gambling was formed to address the problem-gambling aspect of the industry. Slowly, it has gained recognition from professionals and from the US government. As a result of that organization's hard work, headed by Dr Robert L. Custer and Monsignor Dunn, compulsive gambling, or pathological gambling, as it is known to the medical profession, was first recognized by the World Health Organization in 1977 and finally by the US Psychiatric Association in 1978. Since that time, pathological gambling has been listed in the medical dictionary, is presently in the diagnostic statistic manual III-R, and it is diagnosed and defined as a disorder of impulse control.

Based on that experience, the Canadian Foundation on Compulsive Gambling was organized by a group of concerned citizens in 1983 and incorporated as an Ontario corporation on 15 August 1983. We received charitable status from Revenue

Canada at the same time. The organization's aims and objectives are public education, research, treatment and prevention.

According to a US study, 2% to 3% of the adult population in that country are or will become compulsive gamblers. Pathological gambling is one of the purest forms of addiction. It touches the lives of an average of seven people outside of the immediate family of one sufferer, costing the US economy over \$10 billion a year in terms of lost productivity, welfare dollars and criminal activities.

To deal with these problems, today, in addition to the US National Council on Compulsive Gambling, there are several state councils on compulsive gambling, a National Research Foundation on Compulsive Gambling and over 60 specialized medical treatment clinics for pathological gamblers in the United States alone. There are similar organizations in many European countries and others throughout the rest of the world.

Most of the US state councils are funded financially through the governments, and all of them that are funded are receiving moneys from the state-operated lottery revenues. I just want to mention two states as examples. The small state of Iowa, besides the Iowa State Council on Compulsive Gambling, has a compulsive gambling assistance office within the Iowa Department of Human Services, which is equivalent to our Ministry of Community and Social Services. In 1985 the Legislature passed a law whereby, "An amount equal to one half of 1% of the gross lottery revenue shall be deposited in a gamblers' assistance fund." Today there are more than 10 specialized pathological gambling treatment clinics available in Iowa.

Another example: The Minnesota Legislature passed a bill in 1989 for a compulsive gambling treatment program. As a result, the Minnesota Council on Compulsive Gambling receives \$3.2 million, which is earmarked \$1.5 million to public education, prevention and training, \$1.2 million for treatment and \$500,000 for research.

In Ontario, our gambling habits do not have to take a back seat to the United States. Horse racing, bingos, lotteries, the stock market, the special casino junkets and the widely available illegal bookmaking make us properly comparable. Legalizing lotteries some 15 years ago, we introduced millions of people in Canada to gambling. The increased availability of gambling increased the number of people who became affected by it and developed to be pathological gamblers.

1020

Our organization receives an average of 1,000 calls annually for help, mostly from family members, friends, employers or physicians of compulsive gamblers and some in desperation from the sufferers themselves. The calls come from all regions of the province, and all this without any advertising on our part at all. It is heartbreaking to see the helplessness of these people towards an unknown phenomenon which is slowly destroying them. I am seeing broken homes, affected children, constant criminal activities, suicide attempts and, overall, financially and emotionally bankrupt, helpless people.

I am the only pathological gambling counsellor in Ontario. Even to those few who stumble on to our organization, there is very little we can offer. A personal one-to-one consultation is really only to reinforce that they have an unrecognized and untreated illness and perhaps to show them there is help for them. We can only refer them to the fellowship of Gamblers Anonymous, or in the case of family members to the fellowship of Gam-Anon. However, Gamblers Anonymous has only about a 2% retention rate. Yet for those who go to Gamblers

Anonymous after a medical treatment clinic, the retention rate increases to 49%. Some of the luckiest can be referred to a US hospital. Unfortunately, OHIP only pays 75% of the \$18,000 to \$20,000 fee for a three-week inpatient treatment, and there are no such treatment facilities available in Ontario at all.

I must state clearly, so we will have no misunderstanding, that neither I personally nor the Canadian Foundation on Compulsive Gambling is against gambling per se. We are lobbying, however, to recognize the fact that gambling has a bad side. The gambling industry contributes to pathological gambling at the same level as the liquor industry contributes to alcoholism. Just as we must distinguish between social drinking and alcoholism, we must distinguish between social gambling and pathological gambling.

Our organization's work to fulfil its obligation is absolutely essential. We must increase awareness of compulsive gambling through education. We must show that gambling in excess is a health hazard. We must do research to foster investigation of the incidence and nature, then to the causes and treatment of this condition, to be effective. We must provide treatment for those who suffer from this illness and we must offer help to families, friends and employers in how to cope and deal with the situation. We must conduct some prevention steps to avoid the disastrous effects of compulsive gamblers at places where it is possible.

As you are all well aware, this will cost money. We operate on a \$100,000 operational budget, which barely covers expenses like office telephone, salary, travel, educational material etc. Half of it comes from the Ministry of Community and Social Services through a service contract. We are very grateful for that. However, all our attempts to get funding for all or any of the programs have come up empty. I am not going to give you names, but we met with some cabinet ministers, deputy and assistant deputy ministers in this matter. In all cases, they agreed with the need, but could not find budgetary dollars for it. They also agreed that the most logical source would be the Ontario Lottery Corp's generated revenues, but we have been told that is governed by legislation and cannot be done. That is where we are today. Bill 114 is to change and redirect the profits generated by the Ontario Lottery Corp, and this is the time when this matter and this serious problem can be looked after.

Finally, since we are talking about the proposed Bill 114, which intends to change the distribution of the lottery profits, I must comment on an important point brought up during its debate in the Legislative Assembly last Wednesday and Thursday.

I can certainly sympathize with the Minister of Tourism and Recreation, and for that matter with the whole House, in having the difficult task of deciding the needs between sport and recreation projects, health care and to clean up the environment. Certainly one is as important as the other and they all need attention and funds. I have faith, however, that the honourable minister and his colleagues will find the best possible solution.

My concern and comment is to the statement that there is no evidence to prove there is a link between lotteries and compulsive gambling. I would like to illustrate to you that lotteries are gambling and there is a definite link between lotteries and compulsive gambling.

I looked up in the dictionary, and according to the Webster's dictionary and the Oxford dictionary, gambling is defined as follows, "To participate in a game of chance; to play for money or other stakes; to stake one's hopes;" and finally, "to stake or

risk money etc in the hope of great gain." No matter how slight or insignificant, it constitutes gambling.

I am sure you are aware of the amounts we are spending on lotteries. Any given week it can be well over \$50 million. And since the lottery corporation is not issuing any charitable receipts, we are risking moneys, we are playing to win; we are in essence gambling. Selecting numbers, buying tickets, hoping that those numbers will come in and we will win money with it is no different from the very same acts of selecting numbers, buying tickets, hoping that those numbers will come in and win moneys at any racetrack. I am sure no one would dispute that wagering in that manner on a racetrack is gambling.

Talking about that \$50 million plus per week, we can clearly see that those amounts are not generated by people who buy one or two or even five tickets. There are unfortunately people who spend their whole salary, and in some cases somebody else's salary too, to chase a dream, totally disregarding reality and putting themselves and their families in a disastrous situation. They are the pathological gamblers.

Lotteries are not the cause of pathological gambling, just as Labatt's 50 is not the cause of alcoholism. The link between lotteries and pathological gambling is the same as the link between a specific alcoholic beverage and alcoholism and perhaps the link between a specific drug and drug abuse. Compulsive gambling is an illness and lotteries can become an abusive tool to those who are in the grip of this illness, just like any other type of gambling.

I would like to make it clear that the Ontario government is not responsible for compulsive gambling. As well, it is not responsible for alcoholism, drug abuse or, for that matter, any other illnesses. But it is the Ontario government's responsibility to act responsibly towards all health and social problems. Pathological gambling is a health and social problem as well.

We trust that this committee will have a favourable recommendation to the government, and we trust that the government will act responsibly for this serious problem by allocating 0.5% of the net profits from the Ontario Lottery Corp for education, research, treatment and prevention of pathological gambling.

To underline this, I would like to introduce to you four people as examples of many who are self-admitted pathological gamblers, and their addictive gambling behaviour focused on lotteries. They will tell you in a brief two minutes each how lotteries affected their lives. Since they are members of Gamblers Anonymous, I would like to ask your indulgence to accept them by their first names only.

1030

Nick: My name is Nick and I am a compulsive gambler. All compulsive gamblers dream of winning a lot of money. Most people dream of being rich and living a life of leisure with fancy cars, big houses, servants and vacations all over the world. What better and easier way than winning the lottery?

I say lottery, but there are so many to choose from, so why not go for the biggest, Lotto 6/49? For some people, these lotteries are all they live and hope for, and I was not very different from them. I would spend \$50 to \$200 a week on Lotto 6/49 in a normal losing week for a compulsive gambler. If I won any money on other bets, the figure would be \$500 to \$600 a week.

I first got hooked on Lotto 6/49 when I won \$1,400 on five numbers. I just kept feeding the money back into the lottery, plus thousands more. If I had the money, I would buy nine-number combination tickets of \$84 each. In 1988 I sold a condominium and a good chunk of the money I received for it went to Lotto 6/49. Whenever the 6/49 jackpot would go over \$5

million or \$6 million I would buy between \$2,000 and \$5,000 worth of \$84 combo tickets. I was so out of control when I was buying tickets on those \$10-million jackpots they had in succession that I bought some tickets with the same numbers.

I can remember always being annoyed with the store owners who had to call the lottery office when I would request the limit of three of the \$84 combo tickets. I was determined to get every cent back that I had invested in Lotto 6/49. I imagine there are a lot of people out there with the same or similar determination who do not even realize it has become a compulsive addiction. As far as I know, anyone of any age can buy a lottery ticket.

I faced reality and matured in Valley Forge Medical Center and Hospital in Pennsylvania in December 1989, where I was shown how to be more responsible. The intensive therapy I received there made me realize that my earlier childhood and teen years were very critical in the foundation for later years' development.

I think there should be an age restriction on the purchase of lottery tickets and some of the profits should be turned over to have treatment clinics here in Ontario for compulsive gamblers like me. If it were not for a clinic such as Valley Forge, I would not be alive today.

Gord M: My name is Gord M. I am a compulsive gambler and also a proud member of Gamblers Anonymous. I will try to make it as brief as possible.

I played the horses from roughly 1960 to 1976. I ended up almost destroying myself with self-destruction and moral and physical harm, everything you can think of. I stopped. I promised my wife I would never play the horses again and I did not. I kept that promise until close to 1980. I had a good job. I was making a little money moonlighting on the side—legally, of course.

I started experimenting with lotteries, at first a couple of tickets on each, Lottario and Lotto 6/49. Then I went up to an entry sheet; 6/49 on Wednesday, 6/49 on Saturday and 6/39 on Saturday. I think that was \$19. I was not getting anywhere, so then I went up to five sheets of each a week. That came to \$190. I was doing it every week but still using only my own spending money and any extra money I made.

Gradually, I got up to 10 sheets of each. That was \$380 a week. I made out the sheets and kept them hidden at work, so my wife did not know. This was all without her knowledge. I would win \$5 or \$10. I think the most I ever won was \$144 one weekend. I bought tickets and went on holiday.

Gradually I got up to \$720 a week. Now I am getting into my own money. The last time I played was around the beginning of October 1986. I had to write a cheque because I was starting to borrow again. I wrote a cheque to my employer and borrowed, I think, \$1,000 off him. With that money I bought \$520 worth of lottery tickets. I was going to win and then I was going to pay off my daughter, whom I also owed money to. With those tickets I was going to win and pay everybody off and then quit. But it did not work out that way.

My wife asked me where the money went from the bank and I said, "I guess they made a mistake on my book." I think wives know when husbands are lying; at least my wife knew. She said, "You're doing the same thing you did in the 1970s." and she put on her coat. She said: "If that's the case, I'm leaving. Don't you realize you have a problem? Don't you realize you're a compulsive gambler?"

With all my compulsive gambling tendencies, that was the first time in my life that a little bell went off in my brain and I said: "Yes. You know what? You're right." She said, "What are

you going to do about it?" I said, "Monday I'm going to do something about it." I got hold of Gamblers Anonymous and so did she. I went to the Wednesday night meeting. That was 25 October 1986 and I am proud to say I have been a member ever since. I am not cured. I will not be cured for the rest of my life. I have to go to meetings for the rest of my life.

I have to be on guard all the time, because every time I go to a store to buy milk or cigarettes I have to hand my money over that little showcase with the lottery tickets, but I have a whole new line of thinking now. Gamblers Anonymous gives me that line of thinking and keeps me on the straight and narrow, I hope.

1040

Janet: My name is Janet and I am a compulsive gambler. I am a self-admitted compulsive gambler. I wish I had known this before it was almost too late. Gambling started innocently with some bingo games many years ago, and then the lotteries took over my life, in the beginning only moderately. Then my compulsive personality took over and I bought more and more.

My savings and moneys I needed for normal expenditures all found their way to feed my irresistible urge to gamble, to buy more and more lottery tickets. Chasing the dream of winning now totally ruined me and took over my life. My grown-up children did not want to know me. When I exhausted all borrowing power and alienated all my friends, I found the necessary justification to embezzle a large amount of money from my employer. I am presently charged and awaiting trial for this.

I lost my job, my home and, most important, I lost myself. Even then, the only thing I could think of was to win Lotto 6/49 and get rich at the racetrack, which also became a regular habit of mine. Only by the grace of God was I steered to the Canadian Foundation on Compulsive Gambling just a few months ago and through Mr Barsony's guidance I joined the fellowship of Gamblers Anonymous and was admitted as an inpatient at the Valley Forge Medical Center and Hospital, a specialized pathological gambling treatment clinic in Philadelphia.

Today, I am living with one of my daughters, looking for employment, waiting to face reality and start a new life free of gambling.

Joe: I am Joe. I am a compulsive, pathological gambler. For many years I did not know this and my whole life was overtaken by an insurmountable urge to gamble. I am a very successful professional with my own business. As a result of my gambling behaviour, I not only lost large amounts of money but also hurt my family and many other people around me.

My gambling habit started with Lottario some years ago and advanced to \$1,000-plus a week Lotto. I just want to say something. The way it started is that I tried some systems. I started out by making sure I had the last numbers, from 1 to 10, and continued them in sets in the hundreds, so I absolutely had a winner. As I had a winner, I progressed to having 10 sets and so on. That is how it progressed higher to chase a dream of becoming a millionaire.

Eventually, I also became a regular visitor to the Ontario Jockey Club facilities. As an end result, after many years of suffering, my wife ended up in a hospital with a severe nervous breakdown. My children and other members of my family disowned me, and after several suicide attempts I was on the brink of total physical, financial and emotional bankruptcy.

At that point I contacted Mr Barsony at the Canadian Foundation on Compulsive Gambling, and after several one-to-one consultations, I am one of the few lucky ones who were able to

go to a specialized pathological gambling treatment clinic in the United States for treatment. I was aware of my gambling problem for some time and tried in a vain attempt to get help from Gamblers Anonymous. It is very true. I have been going for quite a few years and I consider myself as having a severe disorder. It did not help. I needed more specialized and more severe help because of my severity as a compulsive gambler.

I needed extra medical help but that was not available in Ontario, or for that matter, in Canada. Today I am a changed man, facing reality, trying to make amends to those I hurt, and hopefully with some successful aftercare I will overcome this illness and be able to live a normal life.

Mr Barsony: I am hopeful that these few examples have been able to give you the message clearly that lotteries are a type of gambling, just like any other form of gambling, and it could be a part of a pathological gambler's life.

There is no way, shape or form I am trying to put the guilt on the government, or anybody else for that matter, because as I mentioned earlier, we are not against gambling. Abolishing booze in the 1930s did not help the alcoholics. I am the first to admit that the lotteries and many other forms of gambling have many, many good sides. They employ millions of people; they pay for things that we would not have money for. I am not going to promote that. So we are not against that.

The only thing we are desperately trying to tell you is that although alcoholism, drug abuse, child abuse and many other personality disorders are serious problems, please pay attention to this new phenomenon which is coming up. Putting your head in the sand is not going to take it away. It is here. Gambling is with us and gambling will produce pathological gamblers, and the effect on them, on their families and on society as a whole is devastating. If we, starting right here in this room, and our government are not willing to face this squarely, we will have in years to come a social epidemic on our hands in Ontario.

I thank you and I give it back to Mr Hellyer to introduce Dr Pohlman.

Hon Mr Hellyer: Just one more brief intervention. Dr Ralph Pohlman is the chief of psychiatry at the new Markham Stouffville Hospital. He is a medical practitioner who understands the problem and who would like very much to be able to do something more in Ontario to meet the very obvious and demonstrated need. With your permission, Mr Chairman, we will just call on Dr Pohlman briefly and then anybody will take questions from members after that.

Dr Pohlman: Just to elaborate at the beginning on what Mr Hellyer has told you, I am an assistant professor of psychiatry at the University of Toronto and have been on staff at Sunnybrook hospital for a number of years. I am still on staff at Sunnybrook hospital. As you all know, a new hospital has opened, only about two months ago, in Markham, the Markham Stouffville Hospital. I went there as the chief of the department of psychiatry.

I started treating pathological gamblers almost accidentally, actually, because a couple of gamblers had been referred to me. I became quite interested in it a number of years ago. It turned out that they had known Mr Barsony, and then other referrals started to come to me. As it turns out, I am essentially the only doctor, I think the only psychiatrist, who is treating pathological gamblers that I know of in Ontario—although others occasionally treat one or two—but who has really been working with pathological gamblers.

I want you to know that pathological gambling is not a single entity. I am not going to go into all the medical

variabilities of it. There are those who have illnesses during which they gamble. There is, I think, a percentage of gamblers who are part of the criminal element, who are not accessible to treatment, for whom gambling is only one of many antisocial activities. But for a large number, the gambling is an addiction like any other.

At the beginning, I started treating gamblers on a first-referral basis and I recognized that they needed something more intensive. The fact is that what I am able to provide best now is what I call aftercare. For the severe pathological gambler, he needs a period of intense treatment and there is no such facility available in Canada. I am hoping with the new Markham Stouffville Hospital that we will be able to establish a clinic there for what we will call assessment, treatment and aftercare.

To that end, Mr Hellyer, myself, Mr Barsony and a couple of the executives from the hospital are going down to the United States in mid-July to look at the clinics in Baltimore and in Philadelphia.

Mr Barsony: Hopefully.

1050

Dr Pohlman: Hopefully in July. We are going down to look at the clinics there to see if we can establish a similar kind of service in Canada, because essentially there is no service here. I think I need to emphasize that many pathological gamblers now go to the United States and OHIP pays for it, which is about \$18,000 to \$20,000 for a three-week period of treatment in the United States. I think we should be doing that here.

The number of people I can see myself is really a drop in the bucket. There are many who need this kind of service. I have been seeing pathological gamblers, but along with being head of the department there, trying to set up new services, having to see other psychiatric patients, like suicide attempts who have come through the emergency department, I cannot devote myself entirely to this.

I would like to see us set up a clinic in Ontario, and for that there will need to be funding. Quite honestly, I do not care where the funding comes from. I do not care if it comes from the Ontario Lottery Corp. I know Mr Barsony is presenting that and it sounds quite reasonable. From my point of view, I think there needs to be funding coming from somewhere and I quite honestly do not care where it comes from. I know there needs to be funding for this kind of service because there is a kind of invisible epidemic of gamblers out there, and many of them are very ill and need help.

I really have little more to add to that, unless you have any questions I can respond to later.

Mr Farnan: I want to commend the delegation on what, to me, has been one of the most moving presentations I have heard as a member of a committee over the last three years.

First of all, I want to clarify this point because I think it is very important: The percentage of lottery profits in the United States that is used to provide funding for clinics, for treatment of pathological gamblers, is for all pathological gamblers regardless of whether they are lottery-related. Is that correct?

Mr Barsony: That is correct.

Mr Farnan: I think that was part of the dialogue between myself and the minister during the debate. The minister pointed out, as you correctly said, that there was—I am not sure of the exact wording—no strong evidence to prove the link between

lotteries and compulsive gambling. Do you have the exact wording on that?

Mr Barsony: Yes. I believe the minister had been quoting a recent study conducted in the state of Iowa. That particular state I think has the least gambling of any of the states. What the study says is at this point there is no direct evidence to prove the strength of the link between lotteries and compulsive gambling. Of course there is no evidence to prove a link, because there is very little research. I do not think we can prove what is the link between VO and alcoholism.

Once we establish that lotteries are gambling, once we establish that there are people—which I just demonstrated—who are in the grip of the lotteries as compulsive gamblers, the link is right there. But again, and I must underline this, this is just the reason I talked about it, to make a point. It is not that we are blaming lotteries, no more than we can blame anything else. If I want to blame, my whole life could be a blame and I could blame everything for everybody. That is totally irrelevant.

However, the reason we are talking about the lotteries is because we are made to believe by many members of this cabinet and their assistants that the only chance we have to receive moneys to cover not only the treatment clinics but many other educational, prevention and correctional institutions, crime prevention, all these programs for pathological gamblers is if somehow we could get money, as many other US states are getting money, from lottery profits. I believe this is our first opportunity, when the law is changing anyhow, to put that little cause in it. I believe what we are asking for is just a drop in the bucket which would take care of thousands and tens of thousands of people socially and health-wise, and is back-paying. Saving of welfare dollars and saving of jobs and saving of families will be tremendous.

Mr Farnan: I wonder if I could interrupt because I want answers to specific questions rather than more spread out.

Mr Barsony: Sorry.

Mr Farnan: Basically, the minister did put forward some claims—and they seemed reasonable to me as I listened to the minister in the House—talking about where there is more control, where an individual feels he has more chance of controlling the outcome—for example, knowledge of horses, skill at card games—there is a greater potential to move towards a pathological behaviour in gambling. From that the minister then argued that this would not apply to lotteries. I think it is a redundant argument, in a way, because all we are saying is we want the funds for all gamblers. What interested me in the delegation was the gentleman who said he came up with a system. I think that is true. I think people think if they spend a little bit more, that is a system. You hope you are going to win and if you spend \$20 instead of \$5 you have increased your chances etc. Could you respond to that?

Dr Pohlman: Let me just respond to that very quickly. There is a difference between reality and fantasy. Although we know in reality that the person playing the lottery does not have control, the fact is that the person playing it believes he can develop a system through which he does have control, through which he will have an edge. Gamblers tend to do that in all forms of gambling. It really does not matter. When I was talking about treating gamblers, I was not just talking about lotteries. Gamblers all develop that kind of grandiose attitude that says, "I have a special way of winning." That is a part of the addiction. That is true of lotteries too: "If I can only figure out

that system, then I will win." Even though we know that is not real, that is part of the addiction and part of the fantasy.

Mr Farnan: The other question I would like Mr Barsony and the doctor to comment on is the statement that was made that there is approximately a 2% success rate with Gamblers Anonymous. I am sure that some of the people who spoke to us this morning must have seen a lot of people come and go and the tragic consequences for those who cannot hang on to the program. What is the trick that gets it from 2% to 49% after treatment?

Mr Barsony: Professional medical interference.

Dr Pohlman: I think that for many it requires an intensive time of separation from and treatment for the gambling behaviour. A person can go to Gamblers Anonymous voluntarily, but within his community he is still part of the community, he is still part of the gambling friendship and way of life. It needs a separation and intensive treatment that allows them to have a desensitization and then have follow-up aftercare.

Gamblers Anonymous is most effective for people who have had an intensive period of treatment and then attend Gamblers Anonymous. Then you have a much higher number, almost 50%, who stay with Gamblers Anonymous as opposed to the 2% that stay with it if they do not have a form of medical treatment along with it. It requires the two things. It requires some intensive professional treatment in co-operation with Gamblers Anonymous.

The Chair: Can I ask a supplementary on that? When you say the difference between 2% and 49% is medical treatment, you are not necessarily saying medical treatment in the sense that individuals may be treated with some type of substance—drugs—to control the gambling urge. We are talking about medical treatment in terms of—

Mr Barsony: There is no such thing.

Dr Pohlman: I can respond to that. As I said, gambling is not always a specific illness. Let me give you an example: There are people who have what we in medicine know as bipolar affective disorder, which the public knows as manic-depressive illness. During manic periods they gamble. If you can treat that illness, the manic periods, you can stop the gambling then. That is one part of gambling. That is a small portion of people who gamble pathologically when ill. But they need an assessment, a medical assessment—what is the gambling, what is part of their character, what is going on with them?

1100

Hon Mr Hellyer: Mr Chairman, if I could just give a layman's answer, the kind of response I give to this question is that the intensive treatment is comparable to the drying-out period with alcoholism. If you do not have a drying-out period with alcoholism, you have the same problem that you do if you do not have the intensive kind of care with pathological gambling. It is maybe not a perfect analogy, but it is about as close as a layman can get.

Mr Farnan: I have one last question I want to ask. Basically I very much appreciate the manner in which the presentation was made. To some extent, you have sort of said, "Gambling's okay and we understand the government's responsibility to all these other areas, etc" I have made the argument, and I would like you to respond to this just a little bit, that all of us as part of the government—the Liberals, Conservatives and New Democrats—are all part of the system, and the govern-

ment is spending \$26 million a year advertising lotteries. It is very seductive, it is very high-pressure. The individuals who are involved in this are the best in their field. Not only that, I have argued that we are now taking very attractive—I mean, you sell more lottery tickets by selling them for hospitals than for sewers.

Can I ask you to talk about the relationship between the marketing, the aggressive, seductive marketing, and the problem of pathological gambling? I saw the billboard last night, the couple burning their mortgage and the Lottario ticket beside it. I thought: "Jeez, that's nice. I'd like to do that."

Mr Barsony: Very briefly, I could talk for an hour probably, as I will not, about the aspects which I personally do not like. I do not like the type of advertising, but there are many other areas I do not like. I want to make it clear that it is not my mandate—and maybe somebody else could talk about it—to attack and give a guilt problem to the government about selling or managing lotteries. First, it would be totally unrealistic for me to fight against gambling, because it is wanted. The majority of the people want to buy lotteries, and it is okay with me.

Mr Farnan: Do you condone the present advertising? That is the question I am asking.

Mr Barsony: We try to to understand that there is a dark side and we need money to take care of the pathological gambling end of it.

Dr Pohlman: Let me respond to this, if I may. I guess what I am going to say is not news to anyone, but most pleasures have a price. I am not necessarily opposed to the seductivity of the gambling advertising, but there is a price for it. I think we have to be prepared to pay the price. Yes, that seductivity will attract people who are vulnerable. The racetrack will attract people who are vulnerable. There are personality deficits in many people who can be attracted to many things that are self-damaging, and the wish and the grandiose feelings to be rich and important can be very attractive to people. That is part of the price.

If we are going to advertise in a seductive way, we have to be prepared to pay the price for those who are damaged by it. That may be a small number, but it is significant in the effect on their lives. I am really not opposed to the seductivity of the advertising, but I think we have to pay the price.

Hon Mr Hellyer: I think there is another issue, though, and I hesitate to say it, but I am on the record in this area too. I have seen several ads that are borderline cases of honesty in advertising. The implication that there is a real probability that by buying a lottery ticket you are going to be able to burn your mortgage is a borderline case, and I sometimes think maybe that kind of advertising should be put to a panel of independent judges who would look at it from that point of view.

Mr J. B. Nixon: Just a couple of questions: Mr Barsony, at the beginning of your presentation you referred to what I take it are extensive studies that have been conducted in the United States. My specific question relates to the province of Ontario. Do you know if there has been an increase in the percentage of the total population who are compulsive gamblers in the last 20, 30 or 40 years?

Mr Barsony: It is a very difficult question, because without any meaningful research—as we have no money for it—I can only give you my personal opinion and my personal view, what I saw. There has definitely been an increase. There has been a definite increase outside of Metropolitan Toronto

since we introduced gambling to smaller communities. The trend is that a tremendous level of females became compulsive gamblers, perhaps because they have taken their place in management and the professions and their credibility and credits are higher. Lately, in the last 10 years, there was a tremendous increase in youth. The average age level about 10 or 20 years ago, we pictured definitely over 40 anyone who came forward for help as a compulsive gambler. Today we have anywhere from age 11 and up, teenagers—

Mr J. B. Nixon: Could I ask you where you are getting this information from?

Mr Barsony: I just said at the outset that all this information is my personal experience. We do not have any statistics in Canada at all because, again, all our efforts to get money for statistics have been turned down.

Mr J. B. Nixon: My second question is to Dr Pohlman. Can you describe briefly what sort of facilities you hope to have operating at the Markham Stouffville Hospital?

Dr Pohlman: I will describe first the program and what facilities I think we will need. I would like to have a program of assessment of the gamblers themselves, what the illness is composed of and the ramifications and effect on family, that sort of thing; then a treatment period, followed by aftercare.

I am starting off quite modestly. I am hoping we can have funding for a couple of beds for those whom we can bring into hospital, because they are going to need that period where we can start a program in hospital. This would mean having a team—not only myself, who would organize that probably, but a psychologist, a social worker and an appropriately skilled and educated nurse—so we would have an appropriate program that we could provide as an inpatient program for that detoxifying period, if you like that term, then followed by aftercare clinics.

Essentially, we are starting modestly. I would hope with time, because I know down the road we are going to need a facility that treats people, but just even as a breakthrough, since there is no treatment facility in Ontario, I would like to start with something that allows us to do here what they are doing in the United States.

Mr J. B. Nixon: I take it the board of the hospital has drawn a budget and there has been a submission to the Ministry of Health in this regard.

Mr Barsony: Not yet.

Mr J. B. Nixon: But you plan to do that.

Dr Pohlman: Oh, yes.

Mr J. B. Nixon: Which leads, I suppose, to the larger question, do you as a foundation have a proposal as to how much money you need and what you would like to do with it? If so, why did we not see it today?

1110

Dr Pohlman: Let me say that Mr Barsony, Mr Hellyer and I met with the president of the hospital and the vice-president, patient care services, at the hospital about a month ago. They want further studies on how the clinics are run in the United States, how we could perhaps replicate that in Canada and what it would require. We are, in a sense, gathering statistics. They have presented it, taken it to the board of the hospital, and the board has given approval in principle to follow up this direction. That is really the direction. We are still trying to put those figures together. At the moment, of course, we have no money.

I think you were just asking about the clinic at the hospital.

Mr J. B. Nixon: No. Let me just say that I was getting mixed messages. You want an amendment to this bill—I am not even sure whether the committee can deal with this amendment; it is in the chairman's hands—to allocate 0.05% of the gross lottery revenues—

Mr Barsony: Net profit.

Mr J. B. Nixon: Net profit. My question is, who gets it, what are they going to do with it, what is the budget? I hear that you are already applying to the board at Markham Stouffville Hospital for money to fund a treatment facility. Everyone wants 0.05%. I would like to have 0.05% of the net profit of the lottery revenues for what I would consider worthwhile projects. But you have not said to me, other than what Dr Pohlman is already working on for the Markham Stouffville Hospital, where any of that money would go.

Hon Mr Hellyer: If I could maybe answer Mr Nixon's question by going back a step, two or three years ago, after a lot of time and effort, we really thought we were on the road to establishing some facilities in Ontario. We met with the assistant deputy minister of Health, who understood the problem perfectly. It was a luncheon where after 10 minutes there was no need to talk about the problem any further and we talked about baseball, hockey and other things. He helped fund a seminar where we brought in US experts in order to acquaint Ontarians, the press, professionals and others with the problem, and everything was on track. You know how government works. Everything was on track and then he was moved. His successor knew nothing about the problem and was too busy to give it a top priority. The two or three years' work that we had done was down the drain and we were right back at square one.

What we asked for at that time was about \$500,000 to get started. In a submission earlier on this subject we said that the foundation, if it were disbursing the funds, could not spend 0.05% of the total lottery funds intelligently the first year. What we had suggested was probably a quarter of that 0.05% the first year, half of the 0.05% the second year, three quarters of the 0.05% the third year and the whole 0.05% in the fourth or fifth year, by which time the preliminary or experimental work would have been done and you would then have some staff who were familiar with what had to be done and you could expand the facilities.

Our problem today is that if we put an ad in the paper, or if we did what the Ontario Jockey Club would let us do and put a number in its program where to call, we know what would happen: The phone would ring off the wall and we would not be able to answer it. There is just no point in doing that.

We said, "Give us enough money to get started and get this facility going." Then the health branch said that it would prefer to do it within an existing institution. We said, "Okay, let's see what we can do there." That is about where we are now. We now have an existing institution which is prepared and where the board of directors has made a decision in principle to move into this area. We are back at the stage where, after the trip to the United States by Dr Pohlman and Mr Barsony and members of the board, they will come back and prepare a submission that will set out what they think is required in the initial stage to get this going. In the first year it will be a lot less than it will be in years 4, 5, 6, 7, 8, 9 and 10, because they want to find out how to do it and perfect the techniques before you expand the facilities.

That is where we are. Again, whereas we would like to establish the principle, largely because it has been adopted in so many US states so successfully, of getting the 0.05% of lottery funds, which seems to be about the right amount to cover these various needs including the diagnostic and treatment facilities, research and public education, how it is divided up is a matter of negotiation. We are not close-minded on that subject at all. Like Dr Pohlman, we really do not care where the money comes from. We want to see some money, though, so we can get on with this work and start providing these facilities, and we would like to see it done in Ontario. As a matter of fact, if we are going to have a level playing field with the United States, instead of sending our people down there and letting OHIP pay for it, we should have facilities up here that are so good and so attractive and so superior that Americans will come up here to Canadian hospitals for treatment and we will get some of those US dollars flowing the other way across the border.

The Chair: Do you have any idea of the number that Ontario is sending to the United States, on an average basis?

Hon Mr Hellyer: Yes.

The Chair: And that would be?

Mr Barsony: Giving simply the number will not do justice. I sent 15 this year, but again—

The Chair: Define "this year" for me. Do you mean starting in January until now?

Mr Barsony: Yes.

The Chair: What would it be on a 12-month basis?

Mr Barsony: I do not know how many I can convince, either those who have some private insurance or those who have family willing to put up money. You must understand that the people who come to me for help are not only totally broke but their family deserted them because they are broke already. If they have money they can buy lottery tickets or go to the racetrack and not come to me for help, so it is very, very limited.

The Chair: Okay. What would it have been in 1989, from January 1989 to December 1989, just numbers?

Mr Barsony: We just started this. OHIP approval came only a year ago. I think we had about half a dozen last year.

Hon Mr Hellyer: To fully understand, OHIP only pays 75% of the very expensive treatment, so this is a barrier to the number of people who can—

The Chair: I appreciate that, but I am just trying to get a handle, as I think the minister was in response to Mr Farnan last week, in terms of a dialogue. You made an offer to Mr Farnan to sit down and talk about which ministry, and I appreciate your point: "We don't care which ministry. Let's see the dollars."

Dr Pohlman: The point also is that Mr Barsony has sent 15 people to Valley Forge Clinic and to the clinic in Baltimore, Taylor Manor, at an average cost of about \$15,000 a treatment. We are looking at \$300,000 that has already been sent to the United States to pay for treatment through OHIP.

The Chair: I appreciate that.

Mr J. B. Nixon: Very quickly, did the foundation or any of you as individuals appear before the committee that dealt with Bill 119? The clerk probably knows.

Mr Barsony: The only committee where we appeared was a combined social committee about a year ago.

Mr J. B. Nixon: Okay. I am sure you are aware—if you are not, let me know—that Bill 119 dealt with an amendment to the lotteries act which would require that a certain amount of the net profits that come out of the lottery corporation go to health care. Those moneys may be the ideal moneys to direct to the treatment of compulsive gamblers.

Dr Pohlman: It does not mean we would get it.

Mr J. B. Nixon: No, I am just thinking out loud and suggesting that that may be the—

Mr Barsony: We put in an application to the Ministry of Health, not once but on several occasions, to fund a clinic, \$900,000. We put in an application to fund an education program or—

Mr J. B. Nixon: Just so you know, this bill was only passed in December 1989. It has only been in place—

Mr Barsony: Yes, since then we have put in an application and been turned down. They seem not to be able to find money for this.

1120

Mr Carrothers: I appreciate your coming in today. You have certainly reinforced my feeling that there is a problem here we have to deal with. It certainly seems clear from what you have said that our society is only beginning to recognize compulsive gambling as a problem. I am very struck by the fact that Dr Pohlman is one of the few psychiatrists, if not the only one, dealing with this problem in our society. It just reinforces the fact that we are only waking up to the problem, which I think probably explains why it is not being treated with the kind of priority it should be dealt with at the Ministry of Health.

My question, I guess, relates to the way we might look at funding this, and the point that this committee is going to be considering is an amendment to this bill and this 0.5% proposal. I have a nagging problem in that I wonder if using that method of funding might not almost undermine what you are ultimately wanting to achieve. Mr Hellyer has already mentioned the process that goes on around government to allocate funds, the tremendous competitive pressures and the fact that sometimes you have to lay groundwork and let the idea build before something gets its appropriate priority.

My concern is that if we say, "All right, 0.5% of the lottery funds are put to this," what you end up finding happening is that everybody whom you approach saying, "We need money for this," says: "Well, it's over there. There's the fund of money, do what you want with it. We've got other problems. Get out of here." Then Dr Pohlman would find that his application would be referred to the lottery corporation, not the Ministry of Health, taking the whole thing right out of the appropriate part in the structure.

I am just wondering if you share that concern. What I can see is the way government would respond if this fund were set up, and the reason I think we resist this kind of allocative funding in our budgetary process is that you create a box over here and everybody says: "That box solves the problem. We've got all these over here, so don't talk to us." While in the short term you would get started, I am wondering if in the long term you would end up not being able to deal with the problem the way it should be because of that internal restriction that gets created.

Mr Barsony: I would love to have that problem, because once we have that problem then Dr Pohlman does not have to go. That amount would cover clinical treatment, education, research and all this, so we would not need any other problems. I want you to understand that I made a little nasty remark when Dr Pohlman said we are leaving in July to examine the clinic and the board of directors of the hospital approved everything. I said, "Hopefully." I am going to share a little secret with you: We do not have a dime to buy the airline tickets yet. We are having a problem getting basic, fundamental help from the Ministry of Health or any other ministry except the Ministry of Community and Social Services, thank God. I would love to have that problem. Certainly that would cover clinics. You know, this is the first clinic. We might need 10 in 10 years. I do not know.

Mr Carrothers: But would this fund be large enough to give you the 10?

Mr Barsony: I believe—

Mr Carrothers: That is the concern that I have, that you would get locked into this and there would be tremendous competition for funds. That is the argument that has always been used against this type of thing, that a problem should be prioritized and dealt with according to its importance to the society out of the revenues the government has and that we allocate the funds from all revenue sources. What we are talking about here is a source of funds which goes into the pot and then comes back out. This is the concern I have, that you get yourselves sidelined off in a corner and this very real problem might not get appropriately dealt with.

I note you draw the comparison to alcoholism. We do not use a portion of Liquor Control Board of Ontario profits to deal with alcoholic problems. Those profits go in and come back out according to some sort of priority.

I guess I just put that on the table with my real concern that this method is frankly importing a US mechanism for budgeting, which at this point is one of the fundamental differences that we have in our governmental process. They have a lot of this thing, but they have a very different way of budgeting than we do.

You are telling me that 0.5% of the lottery profits—even though under Bill 119 we were told that lottery sales were declining, in fact, so this might be a declining fund—you think that would be enough for all time. I have the very real fear that compulsive gambling would end up being treated only by this fund, since we have so many other things to be dealt with, and you would end up—you see my concern anyway.

Mr Barsony: I do believe at this moment, having the information and the ability to foresee into the future, that would be sufficient. Adding to it, we still have the wonderful institution we call OHIP that still would cover the medical expenses within the clinic.

Mr Carrothers: That is the concern I have, that OHIP would not do that because of the fact that with all of the other pressures it has for moneys, it would say: "By the way, this is dealt with by that. Go to the lottery corporation; it is not our problem."

Mr Barsony: They cannot do that.

Mr Carrothers: Bang, you are out of it, because what we have done is philosophically made the point that somehow the profits of lotteries are going to fund treatment for compulsive gambling. My concern is that you would end up in that problem

and that every time Mr Hellyer goes to talk to Health, they would say: "Hey, it is a problem. We'll have lunch and talk about it. But you know we have these five problems that are ahead of it, and really you should talk to the lottery corporation." That is the concern I have, that we would set that in place and while in the next little you would get a solution to the problem you are looking for, 10 years from now we would be back at square one again.

Mrs LeBourdais: I would like to direct my question to either Mr Barsony or Dr Pohlman. Mr Nixon touched on this earlier, and in my mind this addiction was associated with people perhaps male and perhaps 40-plus. You are telling me that you are seeing children as young as 11. Is that an extreme instance and is it still by and large an addiction of slightly older and male people?

Dr Pohlman: I think it is still largely male. An increasing number of women are being seen as pathological gamblers, often through the lotteries and often through bingo, although many women are now becoming casino players and compulsive players at racetracks. So we are seeing an increasing number. Admittedly, as Mr Barsony has said, we do not have the numbers. We have not had the funding to do the research. So it is sort of personal experience over a period of time that we are seeing them younger and we are seeing more women.

Mr Barsony: The 11-year-old was an extreme, but it was a very real one. However, teenagers and very early 20s are becoming a daily routine.

Mrs LeBourdais: Would you see this as a gateway addiction, as alcohol is a gateway drug to the harder stuff? Would you say this is part of an addictive personality, that if an individual has this addiction, there is a good chance he is going to have perhaps an alcohol or drug problem as well?

Mr Barsony: Again, I am not a professional, but statistically there is a 30% interlocking between all these addictions. It is quite conceivable to know that an alcoholic who has stopped drinking, and everything is fine until he sees something is wrong, has had his behaviour go in the direction of gambling or vice versa.

Dr Pohlman: It is what I call symptom substitution, substituting the other symptom. Sure, that is part of an addictive quality.

Mrs LeBourdais: But where there is an addictive personality, the addiction can grow and vary.

Dr Pohlman: An addictive vulnerability, yes.

Mr Carrothers: Are bingos becoming a problem?

Dr Pohlman: I saw an addictive bingo player last week. Actually, I must say it was the first man I had seen as an addicted bingo player, because I have seen quite a few women who are addicted bingo players. I do not know if that means anything, but it was the first man I had seen as an addicted bingo player and he played every day and some days twice a day. Bingos are also sort of a gateway.

Really hard-core, compulsive gamblers who have lost hundreds of thousands of dollars tend to laugh at compulsive bingo players because they think of the amounts as being small, but that is relative to the family and relative to how much money they can afford. It also becomes addictive not only in the gambling but what it does essentially to the social aspects of the family.

Ms Bryden: I am sorry I was not here to hear all of your presentation, but I had other business in the House. I do appreciate your coming because I think it is a whole new subject which members of the Legislature have not looked at very much, the whole question of addictive gambling or addictive lottery ticket buying and whether it is a similar addiction to alcohol addiction.

I live near the Greenwood Race Track in my riding and there are three things there that concern me greatly about what appears to be the growth of addictive gambling at racetracks. One is that they have increased the number of racing days. Twenty years ago it was about 40 days a year and now it is 300 days a year, and often afternoon and evening events. So the opportunities are greatly increased there.

I talk to people occasionally on the streetcar who come to the racetrack and they say they come every single week; some of them come even more often. That is not a cross-section survey, but the streetcars certainly are jammed before race time. I do not know how much of it is an addiction and how much of it is simply recreation time.

The other thing is that they are now starting to promote family days, seniors' days, days when you can bring the kids—they do not let them go into the bars but they can go into the restaurants with their parents or their friends—and they are all being exposed to this atmosphere of everybody concentrating on gambling and whether you win or lose. I do not know whether that is an area where you have had any experience of young people being directed towards racetrack gambling.

1130

Dr Pohlman: Yes, I have. It is very common. It is common to begin early. It is common to begin young. Many gamblers begin gambling in their mid-teens and are exposed to gambling in their mid-teens. It becomes part of the thought process that you can win and become a big winner. It has a lot to do with self-esteem too, but for many it begins with exposure to gambling during a vulnerable period of their life and often with parental approval.

Ms Bryden: That is very interesting. I think the people who operate the racetracks should be aware of that too and whether they should be encouraging many young people. I do not know whether seniors can be converted from being non-gamblers to gamblers by special events where they get free admission or are encouraged to come. Is there any greater incidence among seniors who either go to racetracks or bingo?

Dr Pohlman: I do not actually know the answer to that.

Mr Barsony: I do not have any statistics or proof of it. It would be irresponsible for me to make any statement.

Ms Bryden: The bingos are held about three or four times a year at the same racetrack just because the space is there and it is donated by the racetrack. I have seen quite a few women who are bingo addicts at those, because I attend them to assist in the money-raising function. I think bingo is becoming a serious, potentially addictive problem. Do you agree with that, or have you seen enough patients or people?

Mr Barsony: I have not seen enough. Right now, I have three people here in Toronto who are seeking help; for two of them bingo is 100% the activity and for one of them it is mixed. For those two whose gambling activity was bingo, it did exactly the same level of damage to themselves and to their families financially and emotionally as if they had spent \$1 million every second day at the casinos.

I am sure, as you can appreciate, there are many alcoholics who can be full-fledged alcoholics drinking nothing but a light-alcohol-content wine at the same level as someone who pushed down three bottles of aftershave lotion, vodka or whatever, or somebody can be a drug addict popping Valium constantly or taking—I do not even know the names.

We talk about a type. Bingo is gambling as much as the stock market, horse racing or casinos. It is a type; it is a part of the gambling industry. Anyone who has the personality to become vulnerable to contract this illness to become a pathological gambler, it could be to bingo if that is what he or she begins to do, or lotteries, horse racing or casinos. We are not blaming any one of them. They are all at the same level.

The Chair: Thank you very much for your presentation and to your delegation for coming forward. I am sure it took some courage to do that. It certainly provided a lot of information for the committee to consider, either vis-à-vis an amendment or a committee recommendation, given the parameters of what the committee may or may not be able to make an amendment on.

Hon Mr Hellyer: Mr Chairman, on behalf of the entire delegation may I thank you and members of the committee for your very kind and interested attention.

Mr Farnan: Just on a point of clarification: Mr Carrothers mentioned OHIP vis-à-vis funding. I thought maybe it would be worth pointing out that in relation to alcohol, the detoxification centres etc are provided for alcoholism treatment without interfering with OHIP funding. I think there is an analogy that crosses over.

Mr Carrothers: The funds are coming from the Ministry of Health.

The Chair: Okay. The next item of business on our agenda is the report from the Board of Internal Economy and then we have a report of the subcommittee on committee business regarding Ms Bryden's designated matter.

The clerk has informed me that he has laid before you, before I move off Bill 114, a brief from the Toronto Arts Council, a brief from Mariposa Folk Foundation and letters from the Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario and from the Association of Municipalities of Ontario for your consideration.

ORGANIZATION

The Chair: Moving to the Chair's report on the Board of Internal Economy, the only information I have to report is that the Board of Internal Economy did not meet last week. It has been rescheduled for this Monday 18 June at 3:30. We will have to await the outcome of that meeting.

There is a report attached to the agenda; it should be attached to the agenda. Just for the parliamentary assistant, before we move on to Ms Bryden's report, we are scheduled to reconvene at approximately 3:30 or following routine proceedings.

I will read the report. It says:

"Your subcommittee met on Thursday 7 June to consider a matter pursuant to standing order 123, as requested by Ms Bryden, and it recommends the following:

"Subject matter: The relationship between the Office of the Premier and the developers and their companies who have submitted joint proposals for government-assisted projects or joint public-private development projects through the Office of the Premier and its agencies.

"Time allocation: That 12 hours be designated for consideration of this matter.

"Date of commencing the review: That the hearings commence as soon as possible after Mr Runciman's designated matter is completed.

"List of witnesses: Witnesses to be invited to appear before the committee: Honourable David Peterson, MPP, Premier; Mr Gordon Ashworth, former executive director to the Premier; Mr Marco Muzzo, developer; Mr Alfredo De Gasperis, developer; Mr Rudolph Bratty, developer."

Clerk of the Committee: This is deemed to be adopted.

The Chair: As the clerk has rightly pointed out, this is deemed to be adopted by the committee under the standing orders.

If there is no other business, the committee stands adjourned until after routine proceedings or 3:30, whichever comes first. If routine proceedings go longer than that, then it will be after routine proceedings.

The committee recessed at 1137.

AFTERNOON SITTING

The committee resumed at 1533.

The Chair: I would like to call to order the standing committee on general government and remind ourselves that we are in the process of hearing deputations on Bill 114.

PARKS AND RECREATION FEDERATION
OF ONTARIO

The Chair: We have before us today representatives of the Parks and Recreation Federation of Ontario. I would like to welcome them to the committee. If you would identify yourselves for the benefit of Hansard, approximately the next 45 minutes are yours. Within that time, if you would leave us some time for questions and answers we would appreciate that. Please proceed. I will turn off the air-conditioner, unfortunately, so we can hear you.

Mr Macintyre: I am sure the trees outside our window are going to do an adequate job of air-conditioning for all of us.

We would like to introduce ourselves. My name is John Macintyre and I am the past chair of the Parks and Recreation Federation of Ontario.

Ms Andrews: My name is Gayle Andrews, current chair of the Parks and Recreation Federation of Ontario.

Ms O'Connell: I am Patricia O'Connell from the Ontario Parks Association.

Mr Macintyre: First of all, we would like to thank you for the opportunity of presenting our thoughts on Bill 114. Given the short amount of time that we had to prepare a presentation today, we would like to apologize for some of the copies not being original copies. Unfortunately we were not able to turn it around quick enough, but the content is, after all, what is important.

We also would like to point out at the outset that it is a little troublesome that the time available for hearings is not too extensive in that the number of groups that can be accommodated is significantly limited. For that reason, we would like the committee to know a little bit more about the structure of the federation, our voice and how we relate to recreation, parks and leisure services in Ontario.

We are an umbrella organization of 12 member organizations that represent each component of the recreation and sport delivery system in the province. They represent about 9,000 practitioners in recreation and about 400,000 volunteers in sport, recreation and fitness. So we feel that we have a large and significant voice to carry forward.

You may recall that last fall we were in this very room and downstairs commenting to you on Bill 119. Many of those arguments we made at that point are still relevant with respect to this piece of legislation. However, we are not going to reiterate every one of them, but I would like to try to just capture the essence of our position on Bill 119.

We should remember that you had 105 presentations as well as numerous written submissions, and they told you that recreation and culture are essential services in this province, that they are viewed positively by every Ontarian and that the impact of recreation is significant. It basically ends up in four different areas: economic impact, social and human impact, environmen-

tal impact, and of course the impact on healthy living and health care.

We unfortunately do not have the time to go into a lot of detail, but suffice to say that if you go back in the Hansards you will see our arguments well put out.

Right up front we would like to say that our views on Bill 114 are favourable if, and only if, two conditions are met, the first being that the funds generated out of the environmental lottery or the program arising out of the environmental lottery be used for two specific reasons: first, to mount an aggressive public education campaign based on solid community development approaches and partnerships, and second, to conserve, acquire and develop park lands, forests, valley lands, waterfronts and wetlands.

The federation cannot and does not support the use of these funds for environmental cleanup, sewer separations and associated activities that are remedial in nature rather than preventive.

We in the parks and recreation field laud this initiative being taken by the government to address the critical areas of preservation and conservation of our environment. The conservation, acquisition and development of park lands, forests, valley lands, waterfronts and wetlands are among the critical areas that must be addressed.

We see the government's recent initiative with respect to the Rouge Valley intervention as an important first step in this regard. Those of us in the parks field have long fought to preserve nature, wildlife and wilderness areas and open space and undeveloped lands for many years. We did not jump on the bandwagon six or eight months ago and start waving the environmental flag. The people in the parks field have been doing that for years and years.

With the changing demographic and societal trends that we are faced with, the challenges are of a different nature, that of acquiring, developing and maintaining our green spaces, forest areas and waterways.

In our submission to the standing committee on general government reviewing Bill 119, which was held in September last year, the federation, along with numerous other agencies, brought this matter to the attention of the government and requested funding for these important areas. It is our expectation that this amendment, which received first reading on 21 March, is in response to these numerous requests.

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What is recreation and how does it relate to this particular amendment? Recreation, as defined by the 1983 interprovincial recreation statement, is "all those things a person or group chooses to do in order to make leisure time more interesting, more enjoyable and more satisfying." It is important to note that included in that definition, which has been adopted by the cabinet of the province of Ontario as part of the community recreation policy of the Ministry of Tourism and Recreation, is that park services and park amenities are clearly articulated in the matters of this definition.

Ontarians participate in recreational activities in all sorts of natural areas, ravine lands and park lands, be they federally, provincially or municipally owned and operated, and in community facilities, schools and privately owned facilities.

Studies, again as we have shown in the Bill 119 discussion, have shown the strong link between participation in active recreational pursuits and the consequent increase in general health and wellbeing. On an anecdotal level, we can all point to people we know who have benefited from participation in recreation programs: a senior citizen who was able to maintain social contact and stay out of an institution; a youth who was able to find a positive outlet and support for his or her energies rather than turning to delinquency and/or substance abuse.

All levels of government have recognized the critical importance of recreation to quality of life, and indeed the province has recognized this importance by providing our organization with a grant to study the impact of recreation entitled Recreation, An Essential Service. This is a high-profile project that the federation is working on and we hope to have the results of this by the early part of 1991.

You are all saying to yourselves, "This is very, very interesting, but what are these people really trying to say?" For the next part of our presentation, I would like to turn it over to Patricia O'Connell.

Ms O'Connell: The fact is that today we have a crisis in recreation in Ontario. There is a lack of affordable land on which to build recreation facilities and sports fields. There is a crisis in the area of natural preservation. Our tablelands, wetlands and lakefront open spaces are under assault by private developers. Too much demand for too little land has escalated land prices way beyond municipalities' budgets for parks and recreation facilities. There is a lack of funding. There is a lack of legislative tools across the board.

First, with respect to active recreation, the Parks and Recreation Federation of Ontario is here to tell you that the provision of recreation activities and facilities requires land to be available and affordable by organizations such as our member groups and municipalities. Traditionally, park land across this province has been used for these purposes, for tennis courts, swimming pools, community centres, indoor and outdoor bocce courts, sports fields and the like.

With increased awareness of the importance of the environment, the importance of nature and the importance of trees, people in Ontario are starting to voice concern when open park land or natural areas are used for the construction of recreation facilities. Groups that have traditionally worked together to provide both parks opportunities and recreation facilities find their needs in conflict.

At the same time as we are experiencing this crisis in active recreation, we are also seeing a crisis in natural preservation. Our forests, valley lands, waterfronts and wetlands have been and continue to be under assault by developers. We have seen this in northern Ontario. We have seen it in Harbourfront. We have seen it in the Rouge Valley. Private enterprise is in the business of justifying the bottom line. We are in the business of people, health, lifestyle, quality of life, social service, social involvement, partnership and stewardship.

To protect what we now have and find ways to achieve both sufficient and affordable parks and recreation space that will serve the people of this province into the next millennium, we need legislation and funding that will help us reflect the new priorities and achieve a new balance.

When we made our presentations related to Bill 119, we stressed how important recreation was to the health of Ontarians and presented the results of a number of studies which clearly demonstrated the direct link between participation in active recreational pursuits and an increase in general better

health. This was evidenced by a dramatic decrease in absenteeism.

The government's focus on a long-term preventive strategy related to the deterioration of the environment is much the same. It makes eminent sense to concentrate precious dollars on conservation, acquisition and development of our green space, thereby contributing to the healthy physical environment in a positive way, as opposed to using these dollars to deal with environmental problems after they occur.

The time is right for the government to build on the current high level of public interest and awareness of the importance of the environment by either directly conserving lands, as was done in the Rouge Valley, or by encouraging and assisting municipalities and other organizations to perform their work.

The parks sector of our field has only recently been given recognition by this government with initiatives such as the Harbourfront freeze, the aforementioned Rouge Valley intervention and the creation of Ron Kanter's task force, the greater Toronto area greenlands strategy. These initiatives have been widely supported throughout the province as concrete examples of the government's understanding of the importance and concern for environmental issues.

It is the federation's expectation that a significant portion of the funds generated from this amendment will be directed to the areas of conservation, acquisition and development of park lands, forests, valley lands, waterfronts and wetlands. This would be in keeping with the original intent of section 9 of the Ontario Lottery Corporation Act, which provides that the net profits from the Ontario Lottery Corp are available to be appropriated by the Legislature "for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities."

Ms Andrews: In all that we have said so far we have attempted to bring to your attention our deep concern. We are professionals in the field, the three people sitting here, but we are also volunteers in the field and it is not always that we can separate the two tasks. The issues we have pointed out are in fact only some. There are others, but with the short time that we had we chose the most visible and the most important that we see in the field.

The public is becoming increasingly aware, and we see this within our daily lives as professionals in recreation. They are aware of the recreation opportunities. They are also aware of the threats to this open space, to the park lands and to the wetlands, and they are demanding, not just asking, that we preserve these. There is a lack of facility for all of their recreation activities and we know our residents are having to go farther and farther afield from their homes in order to recreate when the lands have been under assault and have been used.

This is not just our open space. It is our farm land, our woodlots, our valley lands, our wetlands and our waterfronts. They are all under assault. Our plea is that this cannot continue to happen. Our government now has the opportunity to capitalize on all of this public interest. We know the public interest. You know the public interest. You have heard it. We need an aggressive community education campaign related to the lottery corporation that would educate the public with respect to how the parks and recreation activities contribute to healthy lifestyle and sustainable environment, which will take place for generations to come, not just now.

Through our 12 member organizations, which Mr Macintyre referred to at the outset, and our municipal colleagues, we have a direct link to the over 800 municipalities in this province. The federation could work with the government in

order to get the message across so that Ontario residents understand how critical this is and so that they will have a future generation, a future to recreate in the park lands. They will have a future that is an environment we can all enjoy.

If the funds generated by the lottery created by Bill 114 are used for conservation, acquisition and development of park lands, forests, valley lands, waterfronts and wetlands, this amendment will be a very positive step. Should this be the committee's recommendation, we will support it wholeheartedly and work with you as a partner in that preservation and acquisition.

However, it is our fear—"fear" is a word that we use advisedly—that the designation will not be used for that, but rather for activities such as environmental cleanup and sewer separation. We are not minimizing the importance of those activities. They are very important. We know the condition of some of the park lands, waterfronts and wetlands. However, we cannot do that cleanup remedial activity at the expense of the park land.

1550

The protection and acquisition of natural areas is a proactive step to the overall protection of our environment. We all know that this is a major issue right now. We must leave a green legacy for tomorrow, and in order to do that, we must act now.

The public wishes access. They want swimmable water. We know some of our lakes are not swimmable. They want campgrounds. You cannot camp like you used to be able to camp because the land is no longer there and the population assault on it makes it less enjoyable than it used to be. We desperately implore you to understand this.

To emphasize the position, we are afraid. We are deeply concerned and we know our natural heritage is at risk. The Parks and Recreation Federation is committed to working with ministers and the staff of the ministries of the Environment, Natural Resources, Municipal Affairs and Tourism and Recreation to fully exploit all the opportunities to ensure that this initiative is seen in the best possible light, that the needs of Ontario residents are most appropriately addressed, not just for now, but for years to come.

In summary, to repeat Mr Macintyre's statement, we are in full support if the funds are used, one, to mount an aggressive public education campaign based on solid community development approaches and, two, to conserve, acquire and develop park lands, forests, valley lands, waterfronts and wetlands. We cannot and do not support funds used for environmental cleanup, sewer separation and associated activities from the lottery bill, Bill 114.

I do thank you for the opportunity, of allowing us to appear. We can answer any questions directed to us at this time.

The Chair: I am making a list. I have Mr Farnan, Mr Cousens, Mr Nixon, Mr Fleet and Ms Bryden.

Mr J. B. Nixon: Just out of curiosity, with no disrespect to the member for Markham, I did raise my hand before he entered the room. I just wonder how he got on the list ahead of me.

The Chair: The Chairman's discretion; who knows.

Interjections.

The Chair: Mr Farnan, we should not be interrupting on your time. I apologize for allowing the committee to get out of control.

Mr Farnan: You have been doing an outstanding job. I would be the first to recognize that.

The bottom line of your presentation appears to me, you want prevention rather than cleanup and you hope that is what you are going to get. What guarantees do you see in the legislation that would give you the view that this is what in fact will occur?

Mr Macintyre: There are no guarantees in the legislation that would allow that to take place. I think there are only five or six or seven words in the amendment to the legislation and that does cause us some concern. That is why we are putting forward our position in a positive way rather than looking at it negatively.

Mr Farnan: Yes, I have to commend you. You could not be more positive. You could not be nicer to the government than you have been in this. It has been an absolute model of discretion in terms of approaching the government with your views.

The Chair: This group is here at your invitation.

Mr Farnan: I realize that, and I brought them here because I have great faith not only in their contribution to our society but also because I think they have come to the root of the problem. There are no guarantees in the bill; that is the bottom line. What we are all forced to do, really, is to make an act of faith and say we hope the government does what is right. If this legislation goes through, would you agree that is where we are left?

Ms O'Connell: If I could take a stab at that, we were here last fall before this committee and we know the results of the hard efforts we put forward at that time. The decision had clearly been made before the hearings were held as to how the legislation was going. Our approach this time is to hope that the government will listen to the positive intent and use the funds for what we consider to be very positive initiatives. We do not have any delusions that we can change the system, and we are coming at it from a slightly different perspective from last time.

Mr Farnan: That is a little bit sad. I find, because sometimes you have to keep coming back and reminding the government of some strongly held beliefs.

In the second paragraph you allude to those strongly held beliefs and positions with the presumption that everybody is aware of them. Maybe I can put it this way: At that time, the alliance was promoting a position that one third of net lottery profits be designated for that area of sports, culture, fitness and recreation. As you are aware, that did not pan out. Would you still support such a resolution if the government were indeed to accept that as a kind of guarantee towards sports, culture and recreation?

Ms Andrews: Are you referring to simply Bill 114 or are we going back to Bill 119?

Mr Farnan: We are talking about lottery profits.

Ms Andrews: All lottery profits?

Mr Farnan: All lottery profits. What we have right now is Bill 119. It is going to be amended with Bill 114, which will include the environment. The thinking of the alliance back a year ago was, "Let's guarantee, not one third but a minimum of one third, to go to this designated area." Has your thinking in any way changed since last year with regard to that amendment?

Ms Andrews: No, our thinking has not changed, but our understanding was that the decision had been made.

Mr Farnan: Okay. Now I will be putting forward the same amendment to this legislation.

Mr Fleet: You mean the same as the one that was ruled out of order?

Mr Farnan: If the government were to accept that as a positive way to alleviate anxieties within the sports, culture and recreation community, would you be supportive of that amendment? That is really what I am asking.

Ms Andrews: Yes, that was our position then and that has not changed. It is just that we felt we had done our presentation, there was a good response, as Mr Macintyre referred to, and we felt the decision had been made. Therefore we were not going to flog it again. But our position has not changed.

Mr Farnan: Fine. I think that is what I wanted. This government basically prides itself on its ability to listen. There is the odd individual out there who would question that, but the government does pride itself on its ability to listen. What I wanted to establish was that the views of the whole group have not changed. In fact, I suspect if all of these groups were appearing they would probably be saying the same thing: "Give us the guarantee of a third." I think that is important.

I do like your suggestions. Have you given any thought to wording of an amendment of the bill that would provide that kind of guarantee? I would be happy to move the amendment to this committee that would incorporate the presentation that you gave today. Have you given any thought to that?

Ms Andrews: I have not, but I will defer to Patricia.

Ms O'Connell: No, we have not, but we would be glad to prepare something and submit it to the committee.

Mr Farnan: I would appreciate that. I think it might be helpful. If there is something, it is a government that listens, we are told, to groups such as yours representing so many people.

Finally, there was just one thing that struck me. On page 5, second paragraph: "An essential service to the people of this province, as essential as health, fire prevention and education."

Interjection.

Mr Farnan: This is for a study, and basically I do not think anybody questions that this represents preventive health care. I do not know what the studies would be for.

There was one last question. It concerned a task force. You referred to it as "the creation of Ron Kanter's task force, the greater Toronto area greenlands strategy." Is that the common name of this task force?

Ms Andrews: Yes.

Mr Farnan: It is. I have problems with that, especially just before an election.

Interjection.

Mr Farnan: Yes. It is just before an election. "The greater Toronto area greenlands strategy." I just thought I would enter a certain note of cynicism, Mr Chairman.

The Chair: So noted, Mr Farnan.

1600

Mr Cousens: I apologize for not being here for the full presentation, but I have had a chance to glance through it and

really appreciate the presentation and the quality, the thought, the concerns that have been expressed in it. I think it also ties back into Bill 119. You gave one of the more forceful presentations at that time and I know our caucus was very, very respectful of the effort that you put into it.

Just one comment on your question. I was leaning in the same way in my thoughts on legal amendments and recommendations on it. It might be easier for us to give it to legal counsel, once we pass on a copy of this report to our own legal counsel, because they would end up having to go out and hire services and help that might not really tie into it. So I would rather, if we could, Mr Chairman, have some legal concerns that would tie in with Mr Farnan's concerns. I think there is some value, because some of the amendments that we may want to make may not be possible under the standing orders and so on. I think you are asking for certain clarity in the thinking that is probably—well, whether it passes and whether or not we get the wording correctly, maybe we can do that internally.

I just wanted to have one thing on the table and if I missed it at the beginning, say so. How large a group do you represent and to what degree are all the federation members aware of your involvement here today and the presentation you have given?

Ms Andrews: We represent 12 recreation organizations in this province. The total membership is about 9,000. Some are professional organizations, some are volunteer. We also have the line through those organizations to some 400,000 volunteers within the sports-recreation-leisure field, plus the 800 municipalities with general involvement. Our annual meeting was held last week and we were in unanimity then on our position. Although each one of them may not know we are here, because of the short notice, there is the general approval that we are here and the message is still the same message, as I have responded to Mr Farnan. It is a consolidated message.

Mr J. B. Nixon: I will follow up on that question, and then I have several others. Do you represent the Federation of Ontario Naturalists?

Ms Andrews: No.

Mr J. B. Nixon: We have in front of us the capital grant record of the Ministry of Tourism and Recreation for capital amounts approved in terms of moneys expended out of the net lottery revenues. They show, in 1989, over \$27 million in capital grants were approved from the lottery revenues. Am I correct on that? I just wanted to double check that with the researchers.

Can you tell me how much of that money was used for the acquisition of park lands, wetlands or whatever?

Mr Macintyre: The capital program that you are referring to has been flat-lined at approximately \$28 million for the last three years, and up until this year it did not include specifically the acquisition of park lands, in general terms, as part of the eligible projects. This year, the 1991-92 capital year—that means funding starting in April 1991—the deadline for those applications is September 1990. So that program, in essence, has not started yet. That program for the first time will include park land acquisition as one of the areas. However, a salient point there is that we still have only \$28 million allocated to it, so we are taking the existing pie and chopping it up into smaller pieces.

Mr J. B. Nixon: I guess I can take from what you are saying that you would certainly approve expanded sales of lot-

tery tickets, because that results in a larger net revenue, and more money would ultimately be available for park land acquisition.

One of the problems I have is that I recognize that \$28 million is not a lot of money. For instance, I have been pricing property around the Mount Forest area, looking specifically at wetland, marshland, and that stuff is running \$2,000 to \$4,000 an acre. So even to use the total \$28 million and buy land out in Mount Forest, which is a lot cheaper than the Rouge Valley lands—the government just lost \$1 billion by designating that a park. I fully approve of what it did, the largest urban park in North America, which to me stands as a real guarantee and commitment of this government's faith in the need to preserve park land. So if you are looking at \$2,000 to \$4,000 an acre in Mount Forest and you put all \$28 million into it, you only have 8,000 acres, which is less than you find in the Rouge Valley.

I fully support what you are saying, I fully agree with it, but I would think the use of lottery revenues is going to prove totally inadequate for the goals that you have and there has to be a better way to do this. Governor Cuomo in the state of New York, you may know, has issued a \$2-billion bond to retrieve natural landscapes, whether they are wetlands, beaches, park lands, whatever. Of course, the voters in New York are quite upset to see their taxes go up because he has issued a \$2-billion bond for that purpose. On the other hand, they are happy to see park land preserved. Even Cuomo says \$2 billion is just a drop in the bucket compared to what we need to do; \$2 billion, on the other hand, is a long way ahead of \$28 million.

You acknowledge that you are only fighting for a share of that pie. One of the alternative ways, I would think, of getting to your goal more directly, more quickly and more effectively is to lean on the municipalities. For instance, the municipality of Cambridge might be interested in designating more of its land under the official plan as land that has to be preserved as wetland and park land, etc.

I would like you to respond to that, but I would like to make another comment. You raised concerns in your brief about this money being used for sewer separation. You may not be aware that, in the recent budget, that whole program was separated out from the Ministry of the Environment into a crown corporation which is separately funded and will not receive money from the lottery. So put that concern to rest; that crown corporation is on its own. Moneys coming from the lottery will not be used for sewage separation, sewage projects, etc.

I would ask you to comment on the role of municipalities, which I think can be much greater than you seem to suggest. I would also ask you to comment on the concern that I have that environmental cleanup, in your mind, has a second-level priority as compared to preservation of existing environmental lands. You are shaking your head, but you certainly say we want this money to be used for preservation and purchase of lands, as opposed to environmental cleanup. Let me tell you, part of the expense of the Rouge Valley will be in environmental cleanup. A lot of people seem to forget there are a couple of used auto dumps in there with all sorts of lead batteries. We are going to have to spend money to do some cleanup there. I am not sure that you can unilaterally and effectively say money will only go for preservation and not for cleanup. A lot of land you may want to preserve may very well have to be cleaned up.

Ms O'Connell: First of all, in terms of the \$28 million that has been allocated to recreation facilities under the previous capital programs, the province has somewhat in the order of \$500 million as a result of these lotteries. So \$28 million, I agree, is minuscule and inadequate. Our view back last fall was

and, as we have said this morning, continues to be that more of those lottery funds should be allocated to the parks and recreation sector.

1610

Mr J. B. Nixon: But where is it going to come from?

Ms O'Connell: Well, you have the lottery funds now. The lottery was originally intended for parks and recreation purposes. Last fall the amendment was passed that allowed health to receive funding from the lottery. Now the amendment that is coming forward today is going to allow protection of the environment, so a very minor amount of the money has actually been expended over a long period of time on what it was originally intended for.

Mr J. B. Nixon: No, you are confusing gross revenue and net revenue, I think. The gross revenue is going to be \$500 million, but there are expenses which include the prizes, which is why the people buy the lottery tickets.

Mr Macintyre: Excuse me. I think the net profits of the corporation last year, after prize money and administration, were budgeted at \$465 million and I believe they came in at somewhere around \$480 million or \$485 million. Those are net profits. As Ms O'Connell has indicated, that money originally was earmarked under section 9 for sport, recreation and fitness.

Ms O'Connell: The other area I would like to comment on is your idea of having municipalities pick up more of this. As you know, there is quite a negative feeling across Ontario with respect to the number of items that have been moved from a provincial responsibility to a municipal responsibility.

Mr J. B. Nixon: I am also aware that we are putting more money into the municipalities than anyone is or has. The funding for municipal programs increased on average last year by 8.7%. So every time a municipality tells me that, I say: "Your funding went up 8.7% on average across the board. Stop crying the blues to me. You guys control land development. You guys control zoning and the official plan. If you want park land, all you need to do is make a choice between the developers' desires and your people's desires."

Ms O'Connell: You are mistaken there, because the Planning Act is provincial legislation.

Mr J. B. Nixon: I know, but it is administered by the local municipalities.

Ms O'Connell: It is. But under the Planning Act—I think there is another arm of your government looking at that presently—the provisions of the Planning Act are totally inadequate for the provision of park land. You have the 5% dedication or 2% dedication, just using the figures that you are talking about with Mount Forest. It is totally inadequate to fund park land acquisition.

Mr J. B. Nixon: I do not follow you. Why?

Ms O'Connell: Land cost is primarily the reason.

Mr J. B. Nixon: You are saying 5% of the land, though. It has got nothing to do with the cost.

Mr Macintyre: Five per cent of the land value.

Ms O'Connell: You either take cash or land in terms of your park's dedication.

Mr J. B. Nixon: But what was the problem there? The municipality does not have to pay for it.

Ms O'Connell: No. What I am saying to you is that it is inadequate.

Mr J. B. Nixon: You would rather see it at 10%?

Ms O'Connell: I would not put a number before you. What I am suggesting is that there is a group in the government, as I understand, looking at that issue. It is a significant issue. We would support legislative changes at the provincial level to allow greater land acquisition or cash in lieu at the municipal level. But it is a problem. We made reference in our brief that we do not have the tools to acquire land. So I think it is somewhat faulty to say, "Let the municipalities pick it up."

There is the issue of municipal budgets, the same as there is the area of the provincial budget, but there is not the legislative framework to allow us to do that. We had a somewhat different discussion from today, but I know that our organization made a presentation to the Crombie commission on this very issue. We will be working with his subcommittee to make recommendations to the province on that issue.

Mr J. B. Nixon: If I had to guess, I would bet the municipalities are not clamouring to have that figure significantly increased.

Ms O'Connell: I think you would find you were wrong. We were at a meeting at the Ontario Municipal Recreation Association up in Owen Sound. It was quite a significant issue, not just for the big municipalities but for the small towns across Ontario. It is a major problem.

Mr J. B. Nixon: Is AMO on record?

Ms O'Connell: This was the Ontario Municipal Recreation Association. I would suspect that when we go forward to AMO, it would take the same view. It is a major problem across the province.

Mr J. B. Nixon: If AMO supports it, I am sure—

Ms O'Connell: You will listen?

Mr J. B. Nixon: No, I am listening. I support it already. I support the idea. I am quibbling with you about details, not the goal or the object. But if AMO says, "Let's move it up to 10%," it is going to happen. Let's wait and see.

Mr Macintyre: AMO is one of the groups that is following us later on in the day. So you may very well ask them that question.

Mr J. B. Nixon: They are not, unfortunately.

Mr Fulton: I just wanted to clarify something for my own edification as the member for Scarborough East, not as parliamentary assistant. With this window, I have trouble hearing you. Are you making reference to the 5% dedication under the Planning Act being increased to a 10% requirement?

Ms O'Connell: No, Mr Nixon suggested 10%. I very clearly would like to say to you that I am not suggesting a figure, because I am not sure that this is the best route to go. There need to be changes to the Planning Act that allow municipalities to acquire land, basically to develop differently. Right now there is a very strong development bias to the Planning Act.

In terms of parks and recreation amenities, you have to change that so that parks and recreation infrastructure has the

same value as roads, sewers and water. You would not build a new community without any of those. We are saying that the Planning Act has to recognize that park amenities, park land and recreational facilities are as important as those other items and have to be considered right up front.

There needs to be a significant shift in how the Planning Act is framed. I am definitely not suggesting to you a figure. That is Mr Nixon's—

Mr Fulton: Okay. I am sorry. I missed that in the dialogue. Thank you.

The Chair: Just before I go to Ms Bryden, Mr Fleet and Mr Carrothers, asking Mr Nixon's question in a different way, he identified the price tag of the Rouge as approximately \$1 billion. We were talking about drafting a specific amendment later on to deal with the environment. That would have been in place. Is that where you would have seen the money come from for the price tag of the Rouge?

Ms O'Connell: That could have been one of the places. But we are aware of the cost of land as well, as fully aware as this committee is.

Ms Bryden: I would like to congratulate the group on presenting a very good brief to us, equally as good as or better than the ones that it presented on Bill 119. I know that stressed the very great importance of recreational and sports and cultural activities, which help wellbeing generally, to lifestyle, to use of leisure and to the whole environment. I think we still must remember that this was the main reason why the original Lottery Act dedicated all of its funds to those recreational, cultural, sports and fitness bodies.

The reason we asked you to come back and remind us of those values that you told us about was to find out what has happened to your member organizations. Since Bill 119 was passed in December, what has happened to your member organizations in terms of continuing grants that they got under previous budgets or previous programs? Have they been flat-lined? Have they been reduced? What has happened to your member organizations in regard to capital spending? Have they gone up or down in the recent spring budget?

As you will recall, the Treasurer appeared on the last day of the public hearings on Bill 119 and said that there would be \$120 million guaranteed to the sports, cultural and recreation groups. Have you seen any of that \$120 million as an increase in your funding, or are you putting in applications and waiting for results?

I appreciate that you probably would have preferred that Bill 114 had not come through at all, because it increases the number of possible recipients. Given that it has come through and come through with a very vague new category, namely, the protection of the environment, I appreciate that you have spelled out to us that, given that Bill 114 may or may not pass, we have a clear-cut choice of where you would put any additional money that came in for the protection of the environment.

I think that is a very good part of your brief, the fact that you rule out just straight environmental cleanup, which should be done by the polluters, and talk about public education, conservation and acquisition of these very important lands, the wetlands, the ravines, the Rouge Valley, the forests and so on.

I would like to ask you to tell us what has happened to your member organizations in both the operating grant field and in the capital grant field since Bill 119 went into effect.

1620

Ms Andrews: I will respond, if I may. I will take the capital grant first. The new program has just been announced, so we have not yet had an opportunity to have any response to the \$120 million that was authorized, shall I say, or sidelined.

Just this past week, the consultants in the recreation division have been doing the presentations and we have been getting our directives on the moneys available. Patricia O'Connell referred to—or John Macintyre did, I am not sure—the fact that parks are now included as one of the capital items.

Other than that, we cannot tell you, because the applications are due in September for January decisions for 1991 and then in April the funding would be forthcoming. So it would be nine months from now before we could tell you what the response is.

For the other lottery funds, in some cases, through some of our organizations, they are very frustrated. They have several projects pending that have been pending for months, because they have not had authorization for grants with no real reason given to them for it.

Ms Bryden: So you cannot plan ahead.

Ms Andrews: In some cases we can plan ahead, but we cannot act.

Mr Macintyre: A supplementary point there is that the Treasurer identified \$120 million as a minimum funding commitment for each of the next three years. At the initial look at the estimates process and the budget book, we have not been able yet to identify where that \$120 million is actually accounted for and we are in the process of trying to get additional information.

We will be putting a mechanism in place to monitor the fact that the \$120-million commitment that was made is actually carried out. We are in the process of doing that. But on the initial look at the estimates process and the budget, we cannot see where it is identified.

Ms Bryden: I must say I have the same problem. I cannot identify where that \$120 million is showing up.

Mr Fleet: First of all, I want to thank you very much for the presentation. I found it helpful and, on balance, I support what is there.

As you may remember, I was here for Bill 119, and some of the figures that I think are important—they are a little hard to draw from ordinary estimates books, I suppose, but they have been provided by the committee—are the figures that cover the three ministries of Culture and Communications, Citizenship and Tourism and Recreation, which are general appropriations, not just lottery funds.

It has been the contention of the government, and one I agree with, that the overall spending limit is in fact what really matters here, as opposed to breaking it down to the lottery figures. One of the dangers in the recommendation that was made by many groups, which seems to be reiterated by Mr Farnan, is if you want a third, you are going to get a third, or you get whatever the percentage is. When lottery figures go up, you might benefit, and when they go down, you lose. That is the kind of connection that I do not think is healthy for the field.

However, in the budget figures, when you compare 1984-85 to 1990-91, there is a growth on an annual basis of 7.8% per year. That is what this government has done. I am in favour of spending more money in this area. This does not include things such as the acquisition of wetlands, which is essentially done through things like conservation authorities, which would be

funded under another ministry altogether and which would not be included in any sets of figures at all.

This was covered by Mr Nixon. When you distinguish between sewers and what not—perhaps Patricia O'Connell would understand my point. It is really hard for me, whether I am in the Rouge Valley or at the head of Grenadier Pond, to say that I am not going to be able to spend money from Clean Sweep—I understand that is the name of the proposed lottery now—on having sewers to fix up, the guck that goes into Grenadier Pond, or it might go into the Rouge Valley, because somehow that is not going to help preserve a mini-wetland in Grenadier Pond. I have helped pick up stuff there, so I have a hard time understanding that distinction.

I just do not think it is that neat. I do not think the environment is that easily distinguished between, "Well, it's okay to spend your money because you are preserving over here, but you're going to deal with something else." I suppose there is the sewer corporation that gets involved anyway, but in regard to the basic concept you are advancing, I am not sure that in the final analysis that is what really matters. What really matters is whether we can improve the environment. What really matters is whether we have additional funding for recreation, and the record of the government is that there has consistently been more funding.

I am wondering if you could perhaps respond to that, because it seems the philosophy you are advocating is entirely consistent with what the government is saying, it is entirely consistent with the bill. Mr Farnan's motion last time was ruled out of order and if it is the same motion this time, I am confident the same result will occur, for reasons of procedure as opposed to anything else. Perhaps you could respond to the issue that you have raised about this distinction between protection and preservation.

Mr Macintyre: Okay. In response to your first point about the general appropriations for the three ministries that have a stake in culture and recreation going up since 1984, yes, we agree, the base funding in those areas has gone up. A significant portion of that is simply due to increased operating costs and ODOE and the other appropriations that are required.

Mr Fleet: Those numbers are exclusive of ministerial administration.

Mr Macintyre: I can tell you that the money going out into the community, funded from the tax base, has not necessarily gone up since 1984, and I think the attachments that we have included with this brief indicating the Community Recreation Centres Act and regulation 517 both indicate that the funds have either gone down or have been flat-lined since 1984.

Mr Fleet: I think you should take a look at table 3 and the memo that we have had. It was made available certainly when we had Bill 119 hearings. I am quite confident those numbers are right, given the scrutiny they had that last time around. The only thing is they are now updated to the current budget year.

Mr Macintyre: Would you be able to supply us with that?

Mr Fleet: My version is now marked up, but I am sure we can provide an unmarked copy.

The Chair: We will get you a copy. We will go to Mr Carrothers.

Mr Carrothers: My questions have been asked.

Mr Macintyre: I think we had one other point relating to Mr Fleet's comments, if Patricia O'Connell could make that.

Ms O'Connell: The question was related to sewers and how they would—

Mr Fleet: Protection versus preservation. The sewer is maybe not the best example.

Ms O'Connell: That is a difficult question because, in our minds, when we are talking about sewer separation we are looking at, say, the municipalities in Metropolitan Toronto, a number of which do have their sewers separated, and you could very well say, "We are protecting the environment by allocating lottery funds for that particular work." The federation is saying that is not an acceptable use of these lottery dollars. Let's keep it within the parks and recreation framework.

The issue that you raise with Grenadier Pond, which happens to be one I am familiar with, I think you may be able to make the case, on very careful inspection, that that would improve the environment of that wetland. But to open up the legislation and say that sewer separation or environmental cleanup—the Hagersville tire disaster—we are saying that is not an appropriate use of funds.

But given enough time and study—I think we have said before that this amendment was introduced very quickly and we had to respond as quickly as we could. We only found out last week that the meetings were being held this week. We have put our position forward in very broad terms, but we would be quite willing to work, as we say in the brief, with the staff of the various ministries to fine-tune this position and come up with a proposal that really does meet our needs and I think dovetails with what the government has been saying in terms of park land by some of the actions that it has taken.

I am not necessarily saying that we are at odds, but if you get into the broad areas of municipal responsibility around sewer separation, this money should not go there.

1630

Mr Fleet: It is getting separated out in terms of structure here, as Mr Nixon indicated, in the corporation on this. Thank you very much. I do appreciate your presentation.

The Chair: Thank you very much for your presentation. I think you have provided some good information.

Mr Macintyre: Can I make one final point? There has been some question about how the money from these programs might be allocated. Some general ground rules that we might propose would be that programs be subject to the same criteria, in general terms, that lottery funds are currently subjected to, those being dedication, non-dependency, matching and leverage funds, and that they are targeted towards priorities so that they would be subject to some of the same guidelines that are currently there.

Mr Fulton: Again I am asking a question as a member from Scarborough, so please bear that in mind. Mr Nixon raised an issue. We keep talking about the Rouge Valley, which is really only a percentage of the park land that has been preserved. Of course it encompasses many acres of tableland on which, as he correctly identified, there in fact is—you probably should remember this, Mr Macintyre—a very large wrecking yard, probably the biggest in Metro and maybe one of the biggest in southern Ontario.

If as things evolve some time that is going to have to be moved out of there, how would you propose that kind of an issue be funded? Where would that money come from? It probably would not now be within the parameters of anyone's guidelines as to where you would tap into a program, but the

commitment has been made for that preservation. It would be, I would think, an enormous expense some time down the way when that thing would be cleared out of there. I thank you for raising that issue, Mr Nixon.

Ms O'Connell: In terms of a specific instance like that, we would want to have more information and the opportunity to study the specifics before we would recommend where the funding might arise.

Mr Fulton: So you are not closing the door on that possibility?

Ms O'Connell: It is a preferred process but I think we have laid out a general framework on which we think the funding should be expended. Individual specific locations or the narrower detail, I think, really need a lot more work.

Mr Fulton: Sure. Thank you very much.

The Chair: Mr Nixon, are you satisfied?

Mr J. B. Nixon: Well, I—

The Chair: The answer obviously is no.

Mr J. B. Nixon: No. I take it that so long as these moneys that are dedicated to the environment are dedicated to the preservation and protection of new lands, the preservation of wetlands, marshlands, whatever, you would support the bill.

Ms O'Connell: That piece plus the education component. I think the education component is critical to the success of any environmental initiative.

Mr Macintyre: And we would certainly like to see an amendment that reflects that as part of the legislation.

The Chair: Thank you for your presentation.

I believe there was a letter circulated from AMO that said it unfortunately could not make it. It was part of the package that was circulated.

Section 1:

The Chair: We are now to the point in time—we want to deal with the bill. Basically, all of it is one section. Mr Farnan has two amendments.

Mr Farnan: May I draw to your attention that there was a change in the wording of one of the amendments.

The Chair: Please.

Mr Fleet: Has the amendment been circulated?

The Chair: The amendment is now being circulated.

Mr Farnan: It is the shorter of the two amendments.

The Chair: What should it say?

Mr Farnan: It should say, "That the Ontario Lottery Corp of Ontario allocate one half of one per cent of the net profits—"

Interjection.

Mr Farnan: Absolutely, Mr Fleet. I apologize.

Mr Fleet: It is not your fault at all.

The Chair: It is my fault. The Chairman thought the committee members could somehow visually follow along without having the piece of paper in front of them. I apologize for their limited capability in doing that.

Interjections.

The Chair: I understand. Are we all reading from the same hymn book?

Mr Farnan: I know after the presentation we had this morning that this is something people would want to rally around. The correct reading would be, "That the Ontario Lottery Corp allocate one half of one per cent of the net profits of the corporation," so we delete "board" and put in the word "corporation", "for," and then delete the remainder of the sentence and add in, "research and public education on the social and individual effects of compulsive gambling and for pathological gambling rehabilitation programs."

The Chair: I am assuming you are referring moving that the following section be added to section 9 of the Ontario Lottery Corporation Act, because it is not very clear.

Mr Farnan: You read me very well, Mr Chairman.

The Chair: Thank you very much. A brief discussion before I rule whether it is in order or out of order?

Mr Farnan: I am not going to make a pitch on this. I think everybody understands the situation. We heard it in the debate and we heard the rationale for it this morning.

The Chair: The Chair is going to have to—

Mr Fleet: I just have one observation: that the New Democratic Party, which opposed the involvement of health issues in Bill 119, is now proposing an amendment with rehabilitation. It is putting in health proposals.

The Chair: I am not going to allow—

Mr Fleet: I just thought the committee would be interested in knowing that.

The Chair: That is fine and dandy, but we are not going to entertain any discussion on that because the Chair is going to have to rule under section 54 of the standing orders that the motion is out of order. I am assuming you are going to want a recorded vote on it. Do you want to challenge me or do you just want to take that at face value? What would you like to do?

Mr Farnan: I always value your judgement, Mr Chairman, but I would like to test it and see if there is support; a recorded vote.

The Chair: Shall the ruling of the Chair stand? We will have a recorded vote. What is that?

Clerk of the Committee: Shall the ruling of the Chair be taken to the Speaker.

The Chair: Shall the ruling of the Chair be upheld?
All those in favour of upholding the Chair's ruling—

Mr Velshi: What is the ruling?

The Chair: That Mr Farnan's amendment is out of order.

Mr Callahan: Can I just inquire, is that because it requires the expenditure of government money?

The Chair: Correct. I am not judging the merits of the motion.

Mr Charlton: You cannot make up your minds, can you? The last time the Chairman ruled a motion out of order, you voted against him.

The Chair: I am not judging the merits of the amendment. I am simply saying that under standing order 54 I have to find the motion to be out of order.

Mr Farnan: I was prepared to simply have the vote. The government members on the committee seem to be interjecting with little bits of rationale, a little bit of partisan comment. Really, if we are going to have the vote, let us have it without that kind of editorialism.

The Chair: Well said.

Ms Bryden: I would just like to state that I do not have a vote because I substituted off this committee this morning and Mr Farnan came on in my place.

The committee divided on the Chair's ruling, which was sustained on the following vote:

Ayes—7

Callahan, Carrothers, Cousens, Fleet, LeBourdais, Nixon, J. B., Velshi.

Nays—3

Charlton, Farnan, Runciman.

Interjection: Just a knee-jerk reaction.

The Chair: Having said that, I believe, Mr Farnan, you have another motion.

Mr Farnan: The second motion that I have is as printed.

1640

The Chair: Would you care to read it so that it gets into the record.

Interjection.

The Chair: No, I cannot do that. Unfortunately, it has to be read into the record.

Mr Farnan moves that section 9 of the Ontario Lottery Corporation Act, as set out in section 1 of the bill, be struck out and the following substituted therefor:

"9. The net profits of the corporation after provision for prizes and the payment of expenses of operation shall be paid into the consolidated revenue fund at such times and in such manner as the Lieutenant Governor in Council may direct, with a minimum of one third of the amounts so paid in to be available for appropriation by the Legislature,

"(a) for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor; and the remainder of such amounts to be available for appropriation in such manner as is determined by the Legislature."

For the same reason—

Mr Farnan: Mr Chairman, I would like to have a very brief statement.

The Chair: Go ahead.

Mr Farnan: I would argue that we are simply not talking about new moneys here, that the Treasurer is saying he is making a commitment or is prepared to make a commitment of \$120 million. It is not a commitment because it is only in words and you know what happened when Mr Peterson was in Cambridge and he made a commitment in words on auto insurance. If it was incorporated in the legislation—

The Chair: I thought you were going to make your remarks to your amendment without any partisan interjections.

Mr Farnan: My apologies. I appreciate your keeping me on course. I think we heard very clearly today the arguments put forward in favour of having a minimum funding. I wanted to point out to Mr Fleet, but he has disappeared.

The Chair: He fled.

Mr Farnan: But for the record, Mr Fleet—

Mr J. B. Nixon: Now, just like Mr Philip from your caucus, on a point of order, Mr Chairman: I entirely object to the reference of whether or not a member is in attendance. If Mr Philip were here, he would be pounding the table with me. It is objectionable and unacceptable.

The Chair: It is not a point of order. I will not recognize that as a point of order. Mr Farnan, continue please.

Mr Farnan: I was not pointing out his absence. I was pointing out—

Mr J. B. Nixon: Mr Philip would be outraged.

The Chair: Unfortunately, Mr Philip is not here. I am here and Mr Farnan is here. Mr Farnan, please continue.

Mr Farnan: I was pointing out the fact that Mr Fleet had made remarks earlier that this might not be very advantageous for sports, culture and recreation if the motion was a third, that in fact it limits for the future. But the motion in actual fact, when we dealt with Bill 119 and now as we are dealing with Bill 114, is a minimum of one third, which would not deny the government to demonstrate a largess towards this particular group and therefore would not have a negative or restricting effect upon this area.

My main point is that we are not talking about generating new revenues. The revenue is there. Initially it was entirely allocated to this particular area. All we are saying is to keep a minimum of a third designated to this area. So we are not asking for and we are not designating a new area. We are saying this money was originally designated for sports, culture, recreation in total. Now we are saying, "Hey, let's keep a third of it in the same place." So we are not really designating it. In that sense, Mr Chairman, I would urge that you not rule this out of order and in fact rule it in order.

The Chair: Again, without commenting on the merits of the amendment, under standing order 54 I am going to have to, unfortunately, rule it out of order. I am assuming that you are going to want to use the same procedure that we went through.

Mr Farnan: What was your rationale, Mr Chairman?

The Chair: Under section 54 it says, "Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown." Unfortunately at this particular time you are not a minister of the crown. Given that advice, I am assuming you are going to challenge the Chair.

Mr Farnan: Just at this time, I want to make a commitment to sports, culture and recreation. Following the next election, should I be in a position of minister in this particular area, which would be very likely, I shall be guaranteeing a minimum source of funding on behalf of the New Democrats.

The Chair: I appreciate that, but again you want to challenge the Chair.

Mr Farnan: Yes, of course I do.

The Chair: Thank you very much. Shall the ruling of the Chair be upheld?

The committee divided on the Chair's ruling, which was sustained on the following vote:

Ayes—5

Callahan, Carrothers, LeBourdais, Nixon, J. B., Velshi.

Nays—4

Charlton, Cousens, Farnan, Runciman.

The Chair: Shall Bill 114 carry?

The committee divided on Bill 114, which was agreed to on the following vote:

Ayes—7

Callahan, Carrothers, Cousens, LeBourdais, Nixon, J. B., Runciman, Velshi.

Nays—2

Farnan, Charlton.

The Chair: Shall Bill 114 be reported to the House?

Mr Farnan: In reporting the bill to the House, having listened to the presentation this morning with regard to gambling rehabilitation, I would seek that the committee unanimously support that the government address this issue of the fact that there are no gambling rehabilitation clinics in the province of Ontario, and that funding from whatever source be forthcoming for these purposes.

The Chair: Okay. Can I deal with the bill being reported to the House. I believe Mr Nixon has a motion.

Mr J. B. Nixon moves that, whereas the standing committee on general government in its consideration of Bill 114, An Act to amend the Ontario Lottery Corporation Act, received an oral presentation on the issue of compulsive gambling and the need for treatment, and whereas the Canadian Foundation on Compulsive Gambling provided compelling concern for the need to address treatment of compulsive gamblers in Ontario, be it resolved that the standing committee on general government requests that a copy of the submission by the Canadian Foundation on Compulsive Gambling be referred to the Minister of Health for her attention and consideration.

Mr Farnan: Can we have copies?

Mr J. B. Nixon: I am sorry. I do not have copies. The clerk can make them.

The Chair: Mr Nixon, do you have any comments?

Mr J. B. Nixon: I think it is something all members of the committee would support. We heard some very compelling and I would say moving testimony from the foundation's presenters this morning. They at least very clearly raised the question of the problem and pointed to the need for facilities to deal with it. I think we should all support asking the Minister of Health to make this one of her many competing priorities for scarce funds.

Mr Farnan: I really do appreciate the motion; I certainly do. I would ask that we strengthen it slightly and request that there be funding made available for this purpose within the next fiscal year. I think all of the expressions of concern are fine. I

think we were all genuinely moved. But to simply say to those people who are suffering from the disease of pathological gambling, "We heard your stories. It really is tough. I am going to tell the minister and I know she will be concerned about it too," really does not make a strong statement on behalf of this committee.

I think everything that Mr Nixon says is absolutely true, and perhaps as a committee you would be prepared to amend this by simply saying that a copy be sent to the Minister of Health for her attention and consideration, and a request that funding be directed for this purpose within the next budgetary year.

1650

Mr J. B. Nixon: I do not think we can specifically say, "Give them money," because it is not within the purview of the Legislature to tell the executive to spend money. It is like the rules on money bills, and stuff like that. But how about something like, "be referred to the Minister of Health for her attention and consideration as a funding priority"?

Mr Farnan: I think that is a reasonable accommodation.

Mr J. B. Nixon: Okay. Because if we go any further, I think we are out of line.

Mr Farnan: Can you add the word—

Mr J. B. Nixon: I said "funding priority." That is about as good as we can get.

Mr Farnan: Okay, fair ball.

The Chair: We have a friendly amendment. We will take it as originally moved that way.

Mr Farnan: No, I think it is a friendly amendment and I would like it recorded.

Mr J. B. Nixon: Why not just declare it unanimous?

The Chair: Is that okay with you, Mr Farnan?

Mr Farnan: Yes, I think that is fair enough.

Motion agreed to.

The Chair: Now, back to my original question. Mr Charlton.

Mr Charlton: I do not have printed wording for this, but I am going to propose a second motion that would be attached to our report to the House which I do not think is particularly offensive. Let me fly it and see where it goes.

The Chair: Mr Charlton moves that the government consult with the Parks and Recreation Federation of Ontario regarding the use of environmental moneys directed to environmental uses pursuant to this bill.

Motion agreed to.

Bill 114 ordered to be reported.

The Chair: Mr Runciman, as a means of an update—I should ask the clerk—it is my understanding that the three House leaders had met to come to an agreement with respect to obtaining outside legal counsel and that the process is that the House leaders are then supposed to communicate back to the Speaker in writing and the Speaker will make a determination whether or not to approve that. In checking and having the clerk check, who spoke directly to the Speaker, I would ask him to report on the conversation he had with the Speaker.

Clerk of the Committee: The Speaker informed me personally that he will deal with the budget at the Monday afternoon Board of Internal Economy meeting.

Mr Runciman: Because of the agreement of the House leaders today, the agreement to retain counsel and the recommendation of retention of counsel—that is the agreement which will be approved by the Speaker on Monday, that is the indication we have received now—I want to once again try the motion that I tried last week, based on new circumstances. I will put the motion on the record, and I would like to speak to it very briefly.

The Chair: Mr Runciman moves, under standing order 123(e), that the standing committee on general government appoint a subcommittee to hold meetings to receive evidence and to report back to the committee on the matter which was reported to this committee on 17 May 1990.

Mr Runciman: I am moving it once again because, as I am sure all members can appreciate, we are not meeting next Thursday because of the Liberal federal convention. We are possibly only going to have the one day, 28 June, left. So the only way this matter can be dealt with is through the establishment of a subcommittee. I am urging the members of the committee, and especially the government members, based on the decision made by the House leaders today, in good faith to allow us to move expeditiously to carry out these hearings within the guidelines of the standing orders.

Mr J. B. Nixon: I am not prepared to support that motion, but I would be prepared to support another motion which would be something along the lines that a subcommittee be established for the purpose of retaining counsel, on the assumption that it is approved by the Speaker. We have not discussed who that counsel will be. The last time I was involved in a committee with counsel, you will recall—I think you were on it, Mr Runciman, with the Ontario Human Rights Commission—we actually interviewed three different counsel to choose counsel for the committee.

If you do not want to do that now, we can wait until the 28th. I think we should do that. I would rather start next week, on the assumption that the Speaker approves it, and get that going. I can suggest names of law firms, I am sure Franco can, I am sure you can, and so on and so forth.

Mr Runciman: I have a motion on the floor and I stand by it. I think this is the only way there is any possible chance of carrying out these hearings. We only have 12 hours, as you know, and only two weeks left of the House sitting. If there is a real desire on the part of the Liberal members of this committee to see this matter through, I think they will be prepared to support this motion.

Ms Bryden: I support Mr Runciman's proposal because it does seem really a perversion of the attempt to use standing order 123 by postponing it again to the 28th, which is two weeks away, when in the intervening period a subcommittee could plan the arrangements of who should be invited and could consult with a counsel as soon as it is obtained. There should be no delay in obtaining a counsel in view of the fact that this committee may not be functioning after 28 June.

I am supporting Mr Runciman's motion in order to get standing order 123 operative this session and not make a mockery of this new procedure that has been given to the committees to investigate questions that are of interest to the public. There-

fore, I think we should have a subcommittee appointed today which could proceed to see that the witnesses are invited.

The counsel, whenever he comes on, may then discuss with the people invited or the committee members as to what is expected of him, but I do not think the counsel should have a say in how these hearings are conducted. He is there presumably to represent the committee in making sure that legal niceties and requirements are met as far as dealing with the witnesses. I do not think we have to wait until he is appointed. As long as he is there on the 28th, then he can take up his job of representing the committee or working for the committee to see that the hearings are conducted in a fair way.

Therefore, I would strongly urge that the committee get the counsel appointed, but also get a subcommittee appointed that can make the plans for inviting the people who have been requested to be invited and setting the times for their hearing on the 28th.

The Chair: Mr Carrothers, and then I will give you my decision on whether or not the motion is in order.

Mr Carrothers: Are we speaking to whether or not it is in order?

The Chair: No.

Mr Carrothers: I again make the point that we have retained counsel to advise us on how we are to proceed. I think in order to proceed in a proper and responsible fashion we need to consult the counsel before we schedule witnesses. That was the basis of the motion to hire counsel in the first place. I simply reiterate that and indicate that we cannot support going ahead with scheduling witnesses at this point. The counsel is not retained simply to sit there and ask questions on behalf of the committee. That is what the committee would do. The counsel is being retained to advise us on how to proceed. We need to have that advice before we proceed.

1700

Mr Runciman: I have a brief comment in response to that. If the subcommittee is struck, it has that full responsibility of retention of counsel, assuming that approval is coming through as indicated. It can retain counsel next week through an interview process if necessary. It could be decided by the subcommittee and the hearings could take place the following week. I think it can all happen within the time constraints we are faced with.

The Chair: But unfortunately, unless we are talking about the same subcommittee—standing order 123(e) says, “appoint a subcommittee consisting of the Vice-Chair of the standing committee as Chair and one member from each of the recognized parties on the committee to hold meetings to receive evidence and to report thereon to the standing committee.”

The problem that I see in terms of invoking standing order 123(e) is, has a reasonable amount of time elapsed for us for dealing with the matter under consideration? The short answer is that I do not think so, because it is going through its legal process.

That is not to say that another motion cannot come back—where I think you were coming from at the end and where Mr Nixon was coming from at the beginning—in terms of striking a subcommittee to talk about the terms of reference for legal counsel.

Once we get authorization to hire outside legal counsel, the clerk has instructed me, somebody has to sit down and define the terms of reference in terms of what we want to do with that

legal counsel: when we want to employ him, from when to when, maximum number of hours per day and if we want him to interview the witnesses before they appear before the committee.

Mr Runciman: The subcommittee can carry out that role.

The Chair: That is what I am saying, but not invoking standing order 123(e) in terms of, has a reasonable amount of time—

Mr Runciman: The problem I have with that, Mr Chairman, is that you alone are making that determination, apparently.

The Chair: I have not given a ruling on whether the motion is in order or not.

Mr Runciman: Maybe I am incorrectly assuming where you are going on this based on what happened last week. I have difficulty with that because if I disagree with you, with your decision, then I will be voted down by the Liberal members in this committee. We do not get an independent voice, if you will, from the Speaker. We cannot take it to the Speaker because the Liberal members in this committee will not allow it to happen.

The Chair: Without debating the point too much, other than bringing forward another motion either by yourself or someone else on the committee that requests us to strike a subcommittee to determine the terms of reference for hiring legal counsel—some things are predetermined by us—

Mr Charlton: Just for a point of clarification so that we can all understand exactly what is happening here, my understanding of what you are saying now is that you want to divide the items that are expressed in Mr Runciman's motion into two areas. You are saying that you have no objection to the regular subcommittee of this committee proceeding to set out the terms of reference and interviewing and hiring counsel, but you do not want to invoke standing order 123(e) to hear the matter of Mr Runciman's motion because not a reasonable time has elapsed.

The Chair: Not an unreasonable amount of time has elapsed.

Mr Charlton: So you are saying that you would allow one part of it to proceed and not the other.

Mr J. B. Nixon: There are two different subcommittees.

The Chair: There may be two different subcommittees.

Mr Runciman: My only point is that I think I gave notice to the clerk on 26 April. We are now in the middle of June. Again, it is a question of, what is a reasonable period of time? I think it is difficult, Mr Chairman. If you make a decision that it is not an unreasonable period of time, then we have nowhere to go.

The Chair: Let us take the supposition that I allow the motion to stand as is. I would think where Mr Nixon is coming from in terms of striking a subcommittee to determine the terms of reference—that does not appear in your motion. It is almost six of one and half a dozen of the other in terms of whether I rule it in order, but I am going to rule it out of order for the reasons that I gave last week.

Mr Runciman: Okay, you have made your ruling. I do not know what the process is. I know it is not appealing it, but what is the wording?

Clerk of the Committee: Move that it be appealed to the Speaker.

The Chair: Mr Runciman moves that the ruling of the Chair be appealed to the Speaker.

Mr Runciman: I would ask for a recorded vote.

The committee divided on the Chair's ruling, which was sustained on the following vote:

Ayes—5

Callahan, Carrothers, LeBourdais, Nixon, J. B., Velshi.

Nays—3

Charlton, Farnan, Runciman.

Mr Charlton: I would like to move a motion along the lines that Mr Nixon suggested earlier.

The Chair: Mr Charlton moves that the subcommittee of this committee be authorized to proceed to sit down and deter-

mine the terms of reference for legal counsel and, assuming that the Speaker approves on Monday, proceed with the hiring of a counsel for the purposes of dealing with Mr Runciman's motion.

All those in favour? I see unanimous support for that.

Motion agreed to.

The Chair: Can we try Tuesday afternoon for a subcommittee meeting? On Tuesday afternoon after routine proceedings, in this room, please.

Mr Callahan: Mr Chairman, on a point of order: As I heard that motion, it was to retain counsel. Should you not have a motion if you are going to retain counsel?

The Chair: There is. We have that already. We are seeking approval from the Board of Internal Economy for authorization of the expenditure of funds. The subcommittee will meet on Tuesday after routine proceedings in room 228.

The committee adjourned at 1707.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair: Pelissero, Harry E. (Lincoln L)
Vice-Chair: LeBourdais, Linda (Etobicoke West L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Furlong, Allan W. (Durham Centre L)
 McGuigan, James F. (Essex-Kent L)
 Nixon, J. Bradford (York Mills L)
 Runciman, Robert W. (Leeds-Grenville PC)
 Velshi, Murad (Don Mills L)
 Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Farnan, Michael (Cambridge NDP) for Ms Bryden
 Hart, Christine E. (York East L) and Fleet, David (High Park-Swansea L) for Mr Furlong
 Cousens, W. Donald (Markham PC) for Mr Wiseman
 Fleet, David (High Park-Swansea L) and Callahan, Robert V. (Brampton South L) for Mr McGuigan

Clerk: Carrozza, Franco

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Journal des débats (Hansard)

Le jeudi 6 décembre 1990

Standing committee on general government

Organization

Comité permanent des affaires gouvernementales

Organisation



Chair: Remo Mancini
Clerk: Deborah Deller

Président : Remo Mancini
Greffier : Deborah Deller

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 6 December 1990

The committee met at 1005 in room 151.

ORGANIZATION

Clerk of the Committee: Honourable members, it is my duty to call upon you to elect a Chair.

Mr Bisson: I would like to nominate Mr Mancini.

Clerk of the Committee: Are there any further nominations? There being none, I declare nominations closed and Mr Mancini elected Chair of the committee.

The Chair: Members of the standing committee on general government, I wish to welcome each and every one of you to our first meeting. We have a number of items to go through this morning and I will make some remarks, probably after that is done, as it would be a more appropriate time.

Our first job and responsibility now is to elect a Vice-Chair and I would like to ask the honourable members for a name for the election of Vice-Chair.

Mr B. Murdoch: I nominate Mr Brown.

The Chair: Bill Murdoch nominates Mike Brown. Are there any further nominations? There being no further nominations, I declare that the nominations are closed and Mike Brown is elected Vice-Chair.

We need a motion to appoint a subcommittee.

Mr Drainville: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof to consider and report to the committee on the business of the committee, that substitution be permitted on the subcommittee and that the presence of all members of the subcommittee is necessary to constitute a meeting and that the subcommittee be composed of the following members: Mr Mancini, Chair; Mrs O'Neill, Mr Abel and Mr Murdoch.

Mr B. Murdoch: I would like Mr Turnbull's name put there, please, instead of mine.

The Chair: Mr Murdoch has asked that the name of David Turnbull be substituted. All in favour of the motion? Carried.

Members of the committee, I have had a chance to speak with our clerk and I have also had a chance to think over the responsibilities that we have. I have concluded that our committee is going to be very busy and I have also concluded that probably a lot of major legislation will be sent to this committee for review. We will have more details on that as we go along. So the subcommittee is going to be very important. We are going to have to work very closely together.

My responsibility as Chairman is going to be to help set the agenda, help set the tone and help guide the committee members. The Chairman's responsibility is not to do all of the work. That is the responsibility of each and

every member and each and every party that is represented here.

I promise you that I will try to be a fair Chairperson. I will try to ensure that everyone is heard to the best of the rules of the committee. I do not want in any way to be autocratic, and if we can make agreements which will accommodate ourselves and our colleagues as we go along, as long as we can come up with the unanimous decision on these individual instances as they come up, I see no reason why we cannot show some flexibility. Having sat on committees before, I firmly believe that is the best way to get at whatever subject matter the committee is dealing with.

1010

I would like in the near future to present to you a schedule that I would ask you to consider, probably for the months of January, February and March. We may have some in-province travel, depending on the work that is sent to us. It is going to be impossible to accommodate every single member's needs and wishes as far as the schedule is concerned. I would like to have something put forward as soon as possible so that if there are certain weeks when you want to be away in your constituency, or if you have to be away for family and holiday time, which is very important, you will know well enough in advance that you will be able to get a voting substitute and schedule your time accordingly. That is basically—welcome, Mr Scott.

Mr Scott: Have you been elected yet?

The Chair: Yes, I have been elected unanimously, and I have also been given a gavel.

I will just conclude my remarks with those few short comments. I am looking forward to working with each and every member on the committee. I believe the work we will be doing is not only vital to the public interest, but will also be personally very rewarding and interesting to each and every one of us.

Is there any other business for discussion this morning?

Mr Turnbull: For the purpose of standing order 123, I would like to request that the subcommittee on committee business meet to consider a report to the committee on the following matter to be designated for consideration by the committee:

"A review of the methods employed by the Ministry of Treasury and Economics in generating its fiscal plan and economic projections, and of the relationship between economic and fiscal plan projections and an examination of the factors which contributed to the variance between the 1990 Ontario budget fiscal plan and economic projections and current projections and of how that variance compares to any variances experienced in prior fiscal years in Ontario and in other Canadian provinces.

"This matter to be considered for a period of 12 hours."

The Chair: Since this is our first day and our first motion, I want to make sure that we are all aware of what we are doing, so I will take an extra moment and re-read the motion, as there is only one copy available.

Mr Turnbull: Sorry; I do have other copies.

The Chair: As the copies are being distributed, it has been moved by Mr Turnbull that for the purposes of standing order 123, Mr Turnbull requests that the subcommittee on committee business meet to consider a report to the committee on the following matter, to be designated for consideration by the committee:

"A review of the methods employed by the Ministry of Treasury and Economics in generating its fiscal plan and economic projections and of the relationship between economic and fiscal plan projections and an examination of the factors which contributed to the variance between the 1990 Ontario budget fiscal plan and economic projections and current projections and of how that variance compares to any variances experienced in prior fiscal years in Ontario and in other Canadian provinces.

"This matter to be considered for a period of 12 hours."

My understanding is that under standing order 123, any party represented at the committee has the privilege to put forward once in each calendar year a subject matter to be considered for a maximum of 12 hours, to be considered by the full committee. Mr Turnbull, you are doing this on behalf of the Conservative Party?

Mr Turnbull: I am indeed.

Mr Drainville: Could I ask for maybe a five- or six-minute break for us to caucus and speak about this particular thing, because there are a couple of issues that I think we need to raise in the group.

The Chair: Okay, we can do that; no problem.

The other thing I was going to suggest is that the subcommittee also meet this morning. Maybe while we are meeting we will adjourn the committee and then we can reconvene the whole committee. I would like to accomplish all of our work this morning, if it is okay. I have already been told that some members, including myself, need to get away this afternoon for riding activities, so with everyone's indulgence we can accomplish all our work this morning.

Before we accept your motion, if you do not mind, Mrs O'Neill also has a motion.

Mrs Y. O'Neill: The matter I would like to bring for consideration is a matter that is of very high profile in many areas of this province. I certainly think many lives are affected by it and I think it is something that most of us can understand.

"I would like to propose, for the purposes of standing order 123, that the subcommittee on business meet to consider a report to the committee on the following matter to be designated for consideration by the committee:

"The current status of the interministerial review of the impacts of cross-border shopping, particularly with regard to the effect on job losses, on decreased sales and tax avoidance and that the committee consult with the following people."

I have a suggested list of witnesses from the four ministries that are most involved, from the Ministry of Treasury and Economics, from the Ministry of Industry, Trade and Technology, from the Ministry of Revenue and from the Ministry of Labour and I would humbly suggest that we also open this, by way of advertisement, to those along the border who are most affected.

The Chair: Do we have any further copies, Miss O'Neill?

Mrs Y. O'Neill: I am sorry. I do not, Mr Chairman.

The Chair: For the benefit of the committee, Miss O'Neill has moved that for the purpose—

Mrs Y. O'Neill: Just for your information, I would prefer to be called Mrs O'Neill. I have worked at it for 30 years.

The Chair: Okay, my apologies, Mrs O'Neill. For the benefit of the committee, for the purposes of standing order 123, Mrs O'Neill requests that the subcommittee on business meet to consider a report to the committee on the following matter to be designated for consideration by the committee:

"The current status of the interministerial review of the impacts of cross-border shopping, particularly with regard to the effect of job losses, decreased sales, and tax avoidance and that the committee consult with the following people"—from the Ministry of Treasury and Economics: Treasurer, Deputy Treasurer, assistant deputy treasurer/economics, director/tax policy; from the Ministry of Industry, Trade and Technology: minister, deputy minister, assistant deputy minister/policy; from the Ministry of Revenue: minister, deputy minister, director/retail sales tax branch; from the Ministry of Labour: minister, deputy minister, director/policy, for up to 12 hours.

It has been requested by Mr Drainville that we have a 5- to 10-minute recess. I will reconvene the committee at approximately 10:32.

Mr Turnbull: Just before you recess, I would just point out that we will have a list of witnesses ready before the subcommittee meets because I failed to say that at the time.

The Chair: That is fine. Thank you for the information, Mr Turnbull.

1020

Mrs Y. O'Neill: Mr Chairman, you mentioned the subcommittee meeting. Do you have any idea of the timing on that subcommittee meeting?

The Chair: As soon as we return from our recess, I believe we will discuss whatever matters committee members wish to bring forward. Upon completion of those discussions, we will immediately go to the subcommittee. I think our work is fairly clear-cut. Standing order 123 allows for these matters to be debated for up to 12 hours. We have our list of witnesses from yourself, Mrs O'Neill. Mr Turnbull will be giving us his list of witnesses. There are one or two other items that we may want to consider. The report of the subcommittee is not debatable. It is to be accepted by the standing committee and I believe we will be able to complete all of our work by noon this morning.

Mr Mammoliti: Just a clarification: Mrs O'Neill stated as well that she would like that open to the public for those who are affected across the border. I am just curious as to what she meant by that.

The Chair: I am assuming she meant that we could have witnesses come forward. If you advertise, there may be people in the business associations, trade unions, individuals who may wish to make a presentation to the committee and that in itself would make the committee open to the public.

Mr Mammoliti: Strictly advertising to the people across the border or in the province as well?

The Chair: What has been the custom, and it does not necessarily mean it has to stay this way, is that the subcommittee would decide where and how to advertise. It could be just in the local newspapers. It could be in daily newspapers. It could be a combination of both. It could even be expanded. We have not really set a budget yet for the committee. That is something that the subcommittee is going to have to help us do so that we can submit it to the Board of Internal Economy. That is the normal course of business, but with the help of all committee members we can do things which are most appropriate for ourselves.

Mrs Y. O'Neill: If I can try to be helpful, I think the only 12-hour assignment—because as you know, it is a relatively new rule—that took place in this Legislature was the one on food banks which some of you may be familiar with. If you want to read that report and the kinds of witnesses and how they came from all over the province, I think it would give you an idea, a backdrop upon which to put this kind of a request. I feel that we have to have witnesses from beyond the confines of Queen's Park if this exercise is going to be meaningful on the issue I have presented to the committee.

The Chair: I think this rather short discussion we have had is very good for myself and all the members of the committee. As we get more comfortable with how we operate, we will all feel better about our day-to-day activities. Some of the matters, Mr Mammoliti, that you have brought up will be discussed and ironed out at the subcommittee level. One of the responsibilities of your representative on that committee will be to inform you of what is taking place, etc.

Without any further discussion, we are going to recess and reconvene at 1035.

The committee recessed at 1025.

1039

The Chair: I would like to reconvene the committee and call the committee to order.

Mr Mammoliti: I just wanted you to notice how quickly I moved once you hit the desk.

The Chair: Very good, I appreciate that. Any discussion on matters that were brought up before the recess?

Mr Drainville: Because we are new on this side to many of the procedures of the committee, we just need to be filled in a little about some of the procedures around standing order 123. I want to know, in terms of when

government legislation is passed on to this committee, what takes precedence.

The Chair: The orders of the House take precedence, but the House is going to be in recess as of 20 December and we will have the winter season to consider what our work should be and how we should schedule our work. It appears to me today that we will probably have time to accommodate whatever work is sent here plus the 123s, but that may change. I cannot say that with any certainty, because who knows how much government legislation is going to be sent here?

I have an idea that the rent review and rent control bill is going to be sent here, and the subcommittee will have to meet and decide how we are going to handle that. That is going to be a long and difficult task; there is going to be a lot of people who will want to make comments on that. We as committee members might as well realize that up front, that we are going to be spending some weeks over the winter break here at Queen's Park and maybe elsewhere across the province.

Mr Drainville: Again because of my lack of experience, which I acknowledge, I am interested in knowing a little further about that. You have indicated that the committee has the opportunity perhaps to travel. When we do that as a committee, how do we choose those places? Does the subcommittee choose those, talk that over and that is brought back here?

The Chair: It will be through complete consultation. I may make suggestions. It is going to be very difficult for all of us to agree what we should do on what day and where. What I may do as Chairman is make a broad suggestion as to when we should meet, how, what days and where. That may accommodate three quarters of the committee members, and then the other committee members who are not accommodated will have to get substitutions or do the best they can. There may even be instances where I will not be able to be accommodated by the committee and the Vice-Chairman will have to be in the chair with the assistance of the rest of the committee.

Mrs Y. O'Neill: I just add that from my limited experience, with the 12-hour designation on food banks, I really think it would be next to impossible for a committee to even contemplate doing any travelling on a 12-hour item. I do not think we should talk about that. People can be brought here; if they do not have the resources themselves, there are allowances within our budget and beyond to bring them here at our expense if they are needed as witnesses. But I think we should not contemplate travelling on a 12-hour item.

The Chair: I am sorry for not making myself clear. I was not referring to the travel for standing order 123. I was referring to the other legislation which I presume is going to be sent here, the rent review-rent control legislation.

Mr Duignan: That has raised a point on the budget. Is there a budget to be presented for the balance of this fiscal year?

The Chair: Yes. I will be meeting with the clerk. I did not have authority to meet with the clerk prior to this morning to discuss budgets. I believed it would have been

improper to do so. But now that the formalities of this morning have been concluded, I intend to meet with the clerk very soon and present some budgets and maybe some options. I believe the budget year ends 30 March.

Mr Duignan: Will you be meeting with the subcommittee to discuss that today?

The Chair: As soon as this discussion is over, we will adjourn so the subcommittee can meet immediately and then I am going to reconvene the full committee to present this.

Mr Duignan: Today?

The Chair: I hope this is all going to be done and completed by noon today.

Mr Bisson: I have a question with regard to the 12-hour thing. Is it what you are suggesting on your motion, Mrs O'Neill, or was it on Mr Turnbull's motion with regard to the 12-hour rule?

The Chair: It is 12 hours for both. The standing orders allow up to a maximum of 12 hours each.

Mr Bisson: That is a relatively new process. Can somebody explain that? What is the process?

Mr Scott: I can explain.

Mr Bisson: I would love to have Mr Scott explain it. He is such a great orator.

Mr Scott: In the last session there were new rules devised to accommodate some governmental concerns and some opposition concerns and there were certain tradeoffs made. I think one of the tradeoffs made was that emergency debates were effectively terminated. They used to occupy a lot of time in the House. In exchange for that, the opposition request, advanced actually by the NDP, was that there should be this 12-hour rule that would permit an opposition issue to be canvassed in committee. That is how the rule developed.

Mr Bisson: So the 12 hours is not 12 hours straight. The 12 hours can be divided over a period of a day or two or three.

Mr Scott: Any way the committee wants, I think, within reason.

The Chair: A week, two weeks or whatever.

Mr Bisson: What kind of notice—let's say, for example, that somebody from the opposition wanted to utilize that rule. What is the procedure? Is it that you bring it in, you pass your motion, you win your motion—it comes in play when?

The Chair: I do not think it is a question of winning your motion. It is a privilege that each party has; even government members will have the opportunity.

Mr Bisson: Okay. I misunderstood that.

The Chair: I just wanted to remind everybody that in the packages you have received there is a document called Designation of Matters to be Considered by Standing Committees. On the bottom of page 1 there was a full explanation of the procedure in the subcommittee on committee business. It goes into what standing order 123 does. It provides that "in any calendar year, each member, other than the Chair, of a subcommittee on committee business

established by the standing committee is entitled to designate a matter to be considered by the particular committee relating to the mandate, management, organization or operation of a ministry, office or agency, board or commission assigned to the committee. In this context the word 'matter' does not refer to a bill which may have been referred to a committee by the House." Then there is a procedure that must be followed, and the clerk is here to ensure that we follow that procedure rigorously.

Mr Bisson: Okay. May we get on with the business of the committee?

The Chair: The committee is going to adjourn and the subcommittee is going to meet. I believe the subcommittee will need at least 45 minutes, so I will be reconvening the full committee at 11:30 am.

The committee recessed at 1045.

1230

The Chair: This morning the subcommittee met and considered two items which the subcommittee unanimously agreed upon. The clerk has prepared report 1 and report 2 of the subcommittee. I would ask the committee that we deem that these two matters have been approved by the full committee of the standing committee on general government. I understand that there can be no debate. Is that correct?

Clerk of the Committee: That is correct.

Mr Duignan: On a point of information, I have the same copy on the second page.

The Chair: As we all know, the clerk prepared this information very quickly for us during our 15-minute recess and I believe has followed the instructions of the subcommittee.

I would just make note for all members of the committee that at the bottom of each report there is a notation that the dates we had discussed and approved among ourselves are subject to the approval of the House leaders. When this information is put to the House leaders, they may in fact agree with the dates or they may say that they have other work which will take precedence over what we decided this morning—just so that there are no surprises when we convene again next Thursday morning.

Point of information?

Mrs Y. O'Neill: It is a question. I understand that both of these things then have been referred to the subcommittee. Will you be making a commitment now to meet the subcommittee before we recess, likely the week of 17 December, so that we can give to the clerk our final list of witnesses? By then we likely will have some indication from the House leaders.

I think that we are all very aware that these things could be overtaken, but I think we should have as much in line as possible before we leave here on the 20th. I would like to ensure that we are going to have one more subcommittee meeting to firm up our witnesses and that a number of minutes each will be allocated.

The Chair: How be if we meet Thursday morning at 9:15 or 9:30? Then we will just continue with the regular

meeting of the standing committee on general government. Is that appropriate or is that too late?

Mr Scott: The only question I have is about the sentence, "These dates are subject to the approval of the House leaders." I understood that the function of the committee was to report to the House the dates that it proposes to sit if it can.

The Chair: Yes.

Mr Scott: It will be up to the House leaders and to a certain extent to the government, which controls the House, to decide if the agenda is going to be altered because of the submission of a government bill or it will be up to the government to decide whether an approval will be given to sitting between sessions, but it is not up to the House leaders. It is up to the House, so I do not understand why this sentence is there.

Clerk of the Committee: The practice is, Mr Scott, that the Chair on behalf of the committee will submit a letter to the House leaders requesting a block of time during the recess and the House leaders then give approval or not by way of motion in the House.

Mr Scott: So the House decides, not the House leaders.

Clerk of the Committee: That is right, but—

Mr Scott: Then why is this sentence there?

Clerk of the Committee: The usual wording is "subject to the approval of the House leaders," because in fact the letter goes to the House leaders. If you like, we could change it to "approval of the House."

Mrs Y. O'Neill: I think that is more accurate. So are you suggesting, to go back to the other point, Mr Chair, that you are going to have a meeting of the subcommittee next Thursday morning at 10 o'clock?

The Chair: At 9:30, because the full committee may want to meet at 10. We may have received information sent to us between now and next Thursday and we may have to convene a full meeting so as to guarantee that the subcommittee will have a chance to meet without any intrusion. I thought that maybe 9:30—is half an hour enough for the subcommittee? Okay, thank you.

Mr Duignan: I am just wondering in relation to the dates and times, did the committee not get an opportunity to discuss and also kind of approve the dates and times when committees can meet, etc?

The Chair: The dates and times were worked out in the subcommittee. Some members who were not on the subcommittee actually participated and the report of the subcommittee is deemed approved by the full committee.

As I said earlier on and as I have repeated on a couple of occasions in the subcommittee, there are 12 of us on this committee, including myself, and to try to accommodate all 12 of us is not going to be possible. Our job is to try to accommodate 75% or more of the committee members if we can, and we hammered these dates out. It took us well over 30 minutes to decide on some of these dates and how we are going to do it.

Mr Duignan: I appreciate that. However, there were only four members sitting on the subcommittee. There are 12 members on the committee. Just as a committee member—I am not arguing with these dates but I feel that in the future the rest of the 75% of the committee should get an opportunity to see whether they agree with these dates and times.

The Chair: What I intend to do in the future is to have a global schedule prepared for the subcommittee and ask it to approve that. It is impossible to discuss these dates with 12 people. You are going to have to count on your subcommittee representative and you are going to have to approach whoever your subcommittee representative is. Right now it is Mr Abel, and he did speak up on a number of occasions during our meetings. It will have to work through our subcommittee members.

Mr Scott: The other reason, just as background, why it is really not useful to have the whole committee—I understand your feeling, "Look, I'm on the committee and I'm going to be away that day," or some concern like that. The reason that the whole committee cannot address this question effectively is because the people you see here are not necessarily going to be the people who will be participating in the committee hearings. They may be. I intend to. But there will be lots of people who will seek substitutions under the rules that permit that, so why would you and I be consulted when we may not even be here to do this piece of business? That is why the subcommittee fixes the dates and our input is to our representatives on the subcommittee.

Mr B. Murdoch: I agree with what you are saying, but does this mean, though, that anything the subcommittee decides this committee does not have a chance to talk on? I think that is maybe what you are talking about.

1240

The Chair: I believe it is only standing order 123s; the subcommittee's report will be deemed approved. I do want to caution all members that once the subcommittee does meet and once we, through some laborious activity, come up with suggestions and dates, if we bring it to the committee and it is sent back to us, we are not going to be able to accommodate everybody. When we accommodate you, then we are not going to be able to accommodate Mr Mammoliti. When we accommodate Mr Mammoliti, we are not going to be able to accommodate Mr Brown.

Mr B. Murdoch: I was not just concerned about the dates. I think that process is satisfactory, because I agree with what you are saying. You cannot accommodate everybody. I mean on other matters.

The Chair: Only the 123s. I said a number of times this morning that all members are invited to attend the subcommittee meetings, but you do not have the privilege of voting. So you have that privilege and you will be welcome if you attend.

Mr Mammoliti: I agree with the global—I do not know how you phrased it. I think it is important for all of us to know what dates we are looking at. Getting to the point that Mr Scott raised about not being here is a good

one. However, I am going to be here as much as possible, and I would like to know the dates ahead of time so that I can plan for it.

Mrs Y. O'Neill: If I may just try to be helpful, as Mr Scott has stated, you may think you are going to be here, but even within your own party you may be assigned to do other things on that day. The idea of substitution on committees is a generally accepted principle around here. It certainly is that you may have things that overcome you in your riding. It just has to be understood that this may often be the case. We try not to have it that way, but that is why we, as individuals, do not have a lot of input. Somebody has to take the responsibility of deciding, the same as within your own caucus they decide when they are going to have the caucus retreat, conference or whatever you are going to have. You accommodate or you do not, but substitution is very, very well accepted in this chamber.

The Chair: What I could say is that we have already agreed to sit those two particular weeks in January. If, by chance, we are authorized and instructed by the House to do other work, then we will just substitute the work we have agreed to do on those two weeks with the work that is given to us by the House. We know we are not going to sit the first week of January. We know we are not going to sit the last week of January. We have made no decisions about February.

Mr Scott: It may be that a new member looking at this process, and particularly a government member, sort of says: "Look. We elected 74 members. Why are we being pushed around by a subcommittee in which we only have one representative?" I am sure he or she would not take that attitude, but the reason a 123 subcommittee report is deemed to be accepted without debate is precisely to give the opposition control of that process.

The opposition, I regret to tell you, will not have control of the other processes. What you may regard as the normal rule of democracy will be followed on government business and so on within the limits of the rules. The reason you are sort of not being consulted is that the subcommittee is precisely designed to give the opposition this opportunity.

I remember Ross McClellan and Bob Rae and everybody saying how important this was. I did not think so at the time, but we gave it to them.

Mr Duignan: I agree it is important and I would not change it. All I was asking were clarification points for my own information. I am new at the game and I just wanted some clarification.

Mr Scott: That is the way it is.

Mr Bisson: Can I just raise a point? In the last part of this, "Consideration of this designation shall take precedence over any designation by any other party," does that mean what I think it does in regard to the two matters brought before us to be dealt with before any government bill?

The Chair: No. Mr Turnbull's 123 is first, Mrs O'Neill is second. If the NDP has one, you will be third.

Mr Bisson: Thank you.

The Chair: There is no further work or suggestions for work this morning for the committee. We will adjourn. We have set next Thursday morning at 9:30 am for the subcommittee to meet. Maybe the full committee will meet at 10 am. You will be duly notified.

I see one hand going up before I adjourn.

Mr Duignan: I have a question about the budget for the remainder of the fiscal year. Is that going to come forward at the next committee meeting?

The Chair: I have not had a chance to see the budget myself. As soon as I get a chance to look at it, I will communicate with the committee.

Mr Duignan: We have an approval to hold two weeks of meetings in January and we do not have a budget approval yet from the Board of Internal Economy. I was just wondering when that process was going to take place.

The Chair: As soon as possible, I promise you.

Mrs Y. O'Neill: I wonder if I could ask for the meeting to start at 10:30 on Thursday instead and have the committee meeting at 11 o'clock. I have another commitment at 9:30 which I would like to attend.

The Chair: I am in the committee's hands. It has been suggested that the subcommittee meet at 10:30 am next Thursday and, if there is a meeting necessary of the full committee, that we commence at 11 am.

All in favour?

Approved.

The committee adjourned at 1246.

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Official Report of Debates (Hansard)

Thursday 20 December 1990

Journal des débats (Hansard)

Le jeudi 20 décembre 1990

Standing committee on
general government

Organization

Comité permanent des
affaires gouvernementales

Organisation



Chair: Remo Mancini
Clerk: Deborah Deller

Président : Remo Mancini
Greffier : Deborah Deller

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday 20 December 1990

The committee met at 1016 in room 151.

ORGANIZATION

The Chair: I would like to call the standing committee on general government to order. We have lost a few moments' time this morning trying to get schedules and other information to the committee. I know committee members have been wanting to talk to each other before our proceedings this morning.

The first order of business is substitutions. I duly note that Dianne Poole is being substituted for Ian Scott. The form has been turned in to the clerk and myself. Any other official substitutions?

Mrs Y. O'Neill: I will be presenting some for myself, as I think I have intimated, for the month of February.

The Chair: Very good. As long as we have these forms just before or shortly after we start our work, so everyone will have the privilege of knowing who is on the committee.

Mr Turnbull: I will be presenting substitutions on our committee. Our Housing critic will be sitting.

The Chair: Make sure your whip has these forms signed. That is the only way it will be official.

I think we should get right to our business. The subcommittee met at least once, if memory serves me correctly. We worked very hard at trying to put together a schedule for the committee and trying to ensure that we cover the province in our hearings. Some of that work has gone for naught because of decisions made by the House leaders, but not all of it. I will go over the subcommittee report. If you bear with me, I can take you through what the subcommittee approved and then I can move to what the House leaders have asked us to do and have approved and then maybe we can have some discussion on it.

The report of the subcommittee is report 3. We met on Thursday 13 December to consider matters relating to hearings on Bill 4, An Act to amend the Residential Rent Regulation Act, 1986. The subcommittee decided that hearings would be held on Tuesdays, Wednesdays and Thursdays of the following weeks: the week of 14 January, the week of 21 January, the week of 4 February, 11 February, 18 February and the week of 4 March. That gave us six weeks of work. I think it is probably more than any other committee of the assembly is going to be sitting during winter recess, so when your constituents ask, "What are you doing now that Parliament is closed?" you will be able to tell them.

We also talked about travel. We agreed as a subcommittee that we would visit the regional centres of the province. We also left it open that if other parts of the province appeared to have substantial delegations that wanted to appear before the committee, at that time the committee would meet and decide whether we would go,

say, to Kingston or other centres as need be. While we decided that we would go to Ottawa, Sudbury, Thunder Bay and Windsor and hold hearings there, it was also decided that, as needed, we may go to other communities in our province.

We also agreed as a subcommittee that witnesses would be given up to 20 minutes for presentations and there would be up to 20 minutes reserved for questions, divided equally among the three political parties. It would be up to you to decide how you would split your time accordingly.

We decided there would be advertising in all Ontario daily newspapers, in the French newspaper *Le Droit*, and in a cross-section of ethnic press during the first week of January. I am going to bring that to full committee, because there is a substantial cost in advertising in the ethnic press that I think the full committee should be aware of and make a decision upon.

Those basically were the items the subcommittee agreed on after a good couple of hours of negotiations and debate back and forth, and this is what the House leaders have asked us to do. They basically have given us permission to sit the weeks of 14 and 21 January, so there is no change there. However, my understanding is that we will sit the weeks of 11, 18 and 25 February; therefore, the week of 4 February there will be no hearings. They also approved that we sit the first week of March, the week commencing 4 March. The major change in our schedule is that we will not sit the week of 4 February—I apologize to committee members who may have already made arrangements to do other things for that week based on our discussions of last week, but it was beyond my control—and we will sit the week of the 25th. Any questions on that?

Ms Poole: I just wanted to bring up the matter of timing. The subcommittee had suggested 20 minutes for presentation time and 20 minutes for question time. I think that is quite a good plan for umbrella groups, but if we are advertising in major papers across the province I suspect we are going to have a number of individuals come forward. If it appears that we will only have perhaps one day in each of these major centres I would like to see different criteria for individuals than for umbrella groups so we could get more people before the committee, perhaps a 10-minute presentation and 10 minutes of questioning for individuals, and remain with the 20 and 20 for umbrella groups. That is just a proposal, if the committee feels that is a fair way to deal with it.

The Chair: Any discussion on that?

Mr Turnbull: I am concerned about the implications for the landlords in that respect.

The Chair: Can I backtrack for a moment? Can we agree on those weeks the House leaders have mentioned as weeks we will sit before we get to the actual time frame and other things? Can we clear that one first?

Mr Turnbull: I would like to check with the Housing critic, who is speaking in the House at the moment. Obviously, because our party has the fewest members, it is most difficult, we are always shuffling around. We would like to check with him that his timetable is suitable for those weeks. As we have just sent up a copy of this change in dates, we would like to make sure we find out. Can we get back by the close of the session this morning?

The Chair: We will try.

Mr Duignan: Can I focus some discussion on the weeks of public hearings and what those weeks will contain? Could I suggest to the committee that, for example, the weeks of 14 and 21 January and the week of 11 February be held for a week of public hearings, and that the week of 18 February would be the meeting for the clause-by-clause by this committee, and then hold briefings for the remainder of that week of 18 February on the discussion paper to be tabled by the Minister of Housing?

The Chair: Do you have a copy of that for all of us?

Mr Duignan: There will be at that time. And that the public hearings on the discussion paper be held in the weeks of 25 February and of 4 March.

The Chair: Just to give some advice to the committee, when the subcommittee met, we talked about how we would schedule our hearings. We felt we wanted to be on the road for one week and then be back in Toronto; we wanted to have the travelling portion of the committee's work done first and get it out of the way. The clerk was asked, based on the subcommittee's suggestions, to put together a schedule that reflected what the subcommittee had said. I am not sure if what you are informing us of today is consistent with that. We will try to make both ends meet if it is possible.

Mr Duignan: At that time we were not aware of the fact that the Minister of Housing would be tabling the discussion paper for discussion by this committee, which I understand is the first to happen. Basically, the government is under no obligation to table that discussion paper with this committee; it is a new departure and it gives this committee an opportunity to discuss the contents of that discussion paper and bring it to public hearings.

The Chair: We are all over the place this morning. There is nothing wrong with that, but as long as we do it in order I think we will accommodate everyone. As Chairman, I have to tell you that I feel obligated to ensure that I am able to do what the Legislature and what the minister have asked this committee to do; that is, to have full public consultation. Just for the committee's information, we already have 46 names on a list of people who wish to consult with this committee, and we have not yet advertised. I do not believe, based on past experience and based on the interest in this legislation, that you will be able to hear all the people who want to be heard, do the consult-

ation paper, do the review of the legislation, do clause-by-clause and then have a report ready for the Legislature.

If the committee, at a certain stage, decides it is not going to hear people, that will be its decision. It will not be my decision. I was under the impression that the government wanted people to be heard on this bill. I think that is the job of a committee Chairman, to make sure people are heard, to make sure we structure our business in such a way. I want it to be very clear up front that if it is decided that some groups or individuals are not going to be heard, it will not be the decision of the Chairman.

Mrs Y. O'Neill: On that matter, I am surprised and very disappointed at this announcement this morning. Mr Abel is and was a member of the subcommittee. In fact, there were two members here and I think even Mr Duignan was here. I find it almost intolerable that at this moment we are being asked to present something new to an agenda. I do not know about the other members, but this subject is one of the highest interest that has come to the floor of this Legislature in this new session. Ads have not even gone out yet and we have 46 people. When you do not hear people, people get very angry. In fact, this week last year we were sitting at 9 o'clock at night hearing people who felt they had not been heard, an entire group of people. It was on teachers' pensions and we extended ourselves for four evenings to hear them.

We have agreed in this committee that we are not going to meet in the evenings; I do not think there is any need to, midsession. But I find this really difficult, that we had a subcommittee meeting, we had it agreed by the total committee, we have agreed to the advertising, I signed the papers the clerk presented to me with those guidelines, and now this morning I am being presented with something brand new, a discussion paper to take up a week, which confuses people, which will confuse the advertising, for sure. I am sorry if the minister and the person presenting think this is a privilege for this committee. Maybe it will be a subject for discussion another time, but right now I feel this bill has to take the weeks we set aside and agreed to. I really think the rules of order protect what we agreed to previously.

The Chair: This is going to be a matter where we have full discussion this morning, so we are going to take a list. Everyone put his or her hand up. The clerk will keep the list for me so I will not be accused of preferring anyone. Reverend—

Mr Drainville: I think Mr Turnbull had his hand up.

The Chair: I have been a sinner all week. I was going to let you go first.

Mr Turnbull: I have to concur that this is a very important subject. There are an awful lot of people who are going to want to speak to this, both the pros and the cons, and I do not think we can clip the wings of this committee and suddenly go back and reduce the amount of public discussion. This has wide-reaching implications for this province in housing and in other economic matters. Unless we have full and free discussion of it, we are going to rue the day. We should not just suddenly bump the schedule we have already agreed to.

Mr Drainville: Let me be clear here. Besides the comments of moral outrage, let's be clear about this.

1030

Mrs Y. O'Neill: I did not say a thing about morality.

Mr Drainville: The House leaders have spoken at length about this issue. We, the members of this committee, are not in any way trying to say this is what we want. The House leaders spoke together about the need for Bill 4 to be looked at in terms of public consultation, in terms of discussions here in the committee. Also, the Housing minister has indicated to the House leaders and they discussed—please do talk to your House leaders about this—the fact that we want Bill 4 to be a short reality. We do not want to see Bill 4 in place for a long time. We want to see new legislation come out. That is why we need to have discussion and presentation of that discussion paper before the public before we go into session in March. That is our aim.

We want to deal with Bill 4 immediately and then we want to move into the establishment of new legislation which is going to eventually take the place of Bill 4. That is why, when we were discussing it with the House leaders, the House leaders saw that. You must understand as well that it is the prerogative of the government. It does not have to give us the opportunity to look at new legislation that may be coming down the line. The fact that they have done this is an indication of how important the issue is for us to discuss on a long-term basis.

What we are proposing is not a usurpation of the powers of this committee but rather the opportunity for this committee to look at the long-range legislation that is going to be brought in, which is going to have a much more pervasive effect on housing policy in Ontario. That is why we are trying to clarify how we are going to deal with these two issues. There is Bill 4 and there is this consultation process we are trying to begin, looking at housing in the province.

The Chair: I should let the committee members know that one of the reasons I argued with my own people to have six weeks set aside during the winter recess was that I thought it would take at least that long to go through the public hearing process. I did not want to embarrass the committee by having allegations made in the Legislature that someone said we were going to have hearings and when the committee got to work the Chairman structured things so we did not have hearings.

I am only here to try to structure the work the best way I can for the committee so that its work will be taken seriously, but the actual and final decisions will be made by the committee. I think we should all be aware of that. I will try to do the best I can to lead the committee in such a way that we will be able to accomplish our work in as expeditious a way as possible, but I have to repeat, if the committee believes today that we are going to hear all these people, that we are going to do two weeks on the green paper, that we are going to do one week of clause-by-clause and wrap this up in a neat little package and put a bow on it and have it ready for the end of March, I just do not see it happening.

I am just advising the committee of that. I am not telling the committee anything, I am advising the committee. You as committee members will have some serious decisions to make. The decisions of the subcommittee are recommendations, and they are approved by the full committee. I will get to Mr Brown in a moment. I am sorry to hold you up, sir. We had a long discussion in the subcommittee about it being very important that the subcommittee representatives report to their respective parties the decisions of the subcommittee so that when we got to the full committee we did not have to redo the entire work of the subcommittee. I stated at that time that if I came to the conclusion that meeting as a subcommittee was just a waste of time then we would always meet as a full committee and we might as well hammer it out once in front of the entire group of members on this committee and do it that way. I have not completely lost faith in the subcommittee, but we are now redoing almost completely everything the subcommittee agreed we probably would do. With those few comments, Mr Brown.

Mr Brown: I have some real reservations about what is being suggested. I am concerned that, first, the subcommittee had come to a decision that we on this side had no idea or no way of knowing that these suggestions would be made, no matter helpful they are. That makes it very difficult if the subcommittee meets and decides things and then at a full committee meeting, the last one that will be held during the fall session, this is news to us and very difficult for us to deal with.

We on this side are very interested in rent control as an issue, and housing policy in total, because I do not think you can see rent control without looking at total housing policy. We are very interested in what the minister has to say.

I am concerned that this committee, both our party and the third party, had presented resolutions about some other matters we thought should be considered and they were overruled by government business. The government told us through a resolution in the House, after a debate on second reading, that the business of this committee was to deal with Bill 4. That is what the government told us. There is no mention about a reference to the House, nothing about a consultation paper. In the absence of that, I do not even see why we are discussing this. It is just beyond us on this side.

Are you telling us today that your House leader or somebody up there is going to make a reference this afternoon at the last minute, after the committee has closed down, of a consultation paper coming to this committee? I do not think it is even before us. I think, in the absence of a reference from the Legislature, we should be dealing with our own business. We know the business is Bill 4 and we know that the two opposition parties have some matters that are of interest to them and, I think, to the people of Ontario. So I am quite shocked at what is going on this morning.

Ms Poole: I feel that some of the confusion that is evident this morning is because we are not acting on full information. I myself, when I saw a list earlier this week, a

tentative list of what the committee schedules were going to be, noticed that there were only five weeks that they were allotting to general government at that stage. Certainly in the beginning we all believed that we were only going to be dealing with Bill 4, and since then I think there has been some discussion among House leaders and whips about allocating additional time to this committee so that we could begin to look at the green paper, the consultation paper. So I think this is part of the confusion, that the rules have changed part way through without all the players being aware of it.

What I am going to propose is that we take a 10-minute recess to each talk to our House leaders and find out why they have given us six weeks. I think it is the committee's responsibility and the committee's option to decide our own business, but it might change matters somewhat if the three House leaders and the three whips have reached a mutual consensus. I think in order for us to make a final decision, we have to find out. We have heard from Reverend Drainville that there was an agreement and I would just like to check this out so that we are operating on full information.

Mrs Y. O'Neill: Mr Chairman, I would move 15 minutes to do that rather than 10.

Mr Duignan: I would draw people's attention to the Business of the Day for today in the House. There is a standing order:

"The standing committee on general government to consider Bill 4, An Act to amend the Residential Rent Regulation Act, 1986, a discussion paper to be prepared by the Ministry of Housing dealing with long-term solutions to the rent review process in Ontario, which document shall be deemed to be referred to the committee when it is laid on the table, and matters designated pursuant to standing order 123."

That is a motion to the House today.

The Chair: That motion, with all due respect to everybody who put it together, is asking us to do Bill 4, the discussion paper and the two motions under standing order 123. Those are 12 hours each and that is 24 hours. I have to tell the committee we are not going to be able to do all this; we are going to frustrate each other for weeks on end.

Mr Mammoliti: I think Ms Poole has made a pretty good suggestion. I think if there is some confusion in regard to what the House leaders have talked about and an agreement made by them, perhaps it is in our best interests to break for 10 or 15 minutes.

The Chair: Can we keep this in mind when we are talking to our House leaders? Can we remember that there are already 46 names on a list that the clerk has told me about this morning? We have not advertised yet. We have to travel. There are going to be many, many people who wish to speak. As Chairman, I will not take these people off the list. The committee will have to do that.

When I told the House leader we needed six weeks, he said, "Well, why do you need six weeks?" I said: "Because our lists are filling up and we haven't even advertised yet. That's why. It's not because the committee doesn't have any other important business to attend to."

We will recommence at 5 after 11.

The committee recessed at 1041.

1106

The Chair: Can I reconvene the committee for a minute while we wait for Mr Turnbull? It is imperative that we get all this resolved today. We cannot come back next Thursday to do it, so I asked that the committee return at 5 after 11. It is now past that. There is a quorum here and I will wait a few minutes longer, but shortly I will be reconvening the committee and we are going to have to start our work.

Ms Poole: I just wanted to be put on your list to speak when we do reconvene.

The Chair: There are a number of things I want to tell the committee first before we hear from everybody else, some important matters I think we should be aware of that might help the debate. So we are going to adjourn again for three or four minutes.

The committee recessed at 1107.

1109

The Chair: The committee is now reconvening. We are just returning from a 20-minute recess so that members of the committee could discuss with their House leaders and get a clearer interpretation of what they had agreed to do. Before I move on to discussion for that, there a couple of pieces of information that I think the committee should have at its disposal.

First, I take you to the standing orders which we as a committee must follow. I take you to standing order 123(c), which reads as follows, "A report under this standing order from the subcommittee on committee business shall be deemed to be adopted and shall take precedence over all other business before the standing committee except government public bills referred to the committee."

Now this standing order, 123(c), refers to the subcommittee that had to approve the two 12-hour motions that we approved and that were eventually approved by the full committee. Those two 12-hour motions now would legally have precedence over the government's green paper or discussion paper. So while we were discussing this morning about having hearings, public and otherwise, and briefings from the ministry and clause-by-clause and then switching over to the discussion paper, as Chairman I have to advise the committee that would not be in order. What would be in order would be to move immediately to those two particular motions that were approved, and then we would go the green paper. That poses a problem to the committee.

The other matter I want to bring to the committee's attention was forwarded to me by our research staff, just a little bit of historical data for all of us so that we have a feel for what is ahead of us. Bill 51, the Residential Rent Regulation Act, was introduced in the Ontario Legislature on 5 June 1986. Floyd Laughren was at that time Chairman of the standing committee on resources development and that is where the bill was sent. The bill was sent to that committee on 19 August 1986 and the bill was completed on 24 November 1986.

Over this three-month period the committee held 35 days of public hearings at the Legislative Building in Toronto and travelled to Kingston, Ottawa, Thunder Bay, London and Windsor. The committee heard some 182 deputations from individuals and representatives of various landlord, tenant or other organizations that appeared before the committee. The committee also received some 214 letters, briefs and other written submissions that were reviewed. When the bill was reprinted, the committee reported back to the Legislature a bill that contained some 127 approved amendments. I just point this out to the committee because I think we may have something similar before us.

Ms Harrington: A couple of points should be put on the table right at the beginning and I believe we can reach agreement on these. First of all, the government wants the very broadest public input on this issue. We all agree on this, that it is necessary and we want this. I believe the people of Ontario want their say, not specifically on Bill 4 but, more important, on the future of rent control in this province. In a long-term system that is going to be fair for our time and their time in coming out and presenting all these briefs and writing up all these briefs, it has to be something that is going to be established in this province for not just a few months.

The other thing I think we can agree on is that we do not want the length of the moratorium to be extended. The very outside was two years. We do not want that. We want it much shorter than two years and it is up to our committee to do that for the people of Ontario. We would like, if at all possible, to get this permanent legislation back to the House possibly by the end of this year.

The question you are asking me, probably, is, "How do we do that plus get the broadest consultation across this province?" What I would like to tell you is that after the next session, the consultation paper or the bill, whatever it is called—I am not clear on all the technicalities—will definitely be back to this committee. All through the spring and all through the summer we are going to be out there consulting on the long-term legislation. That is what we want and that is what I hope you would agree to for the people of Ontario, for their sake.

Ms Poole: As suggested, we conferred with our various House leaders. I spoke to our House leader and he confirmed that they had agreed to four weeks for the Bill 4 hearings, which included the clause-by-clause. They added an additional two weeks for the consultation on the green paper. As far as the consultation on the green paper is concerned, my understanding, and I am open for correction by any members here who have information to the contrary, is that the minister was proposing to have a number of weeks of consultation on the green paper, then to draft legislation in the next session and introduce it, and then in the summer to have a very broad consultation across the province with public hearings on the legislation for the long-term solution.

If that is the case, then I would suggest for one thing that we try to include as many public presentations for Bill 4 as possibly can be fit in, and that may well mean that we

should be meeting on Mondays, it may mean that, particularly when we are travelling on the road, we will extend our hearings into the evening. Certainly every committee I have ever travelled on has done that as far as evening presentations are concerned, particularly if we are only going to be in certain communities for one day.

The Chair: I just want to interrupt for a moment. I have sat on a lot of committees over 16 years and it is not holus-bolus that we automatically sit on Mondays and in the evenings.

Ms Poole: I did not imply it was automatic.

The Chair: This particular committee has a lot of work before it and I tell the members honestly, with your other duties in the Legislature, with your duties to your constituents, with people like myself and Mr Bisson who have to travel hours to get to Queen's Park, plus get home and spend some time with our families also, which is very important, if we think that we are going to be able to do all that, sit on Mondays, sit evenings and come back ready to go at the end of March to attend the new session, I do not think we are going to last very long and I do not think it is going to work out.

Mr Duignan: On a point of order, Mr Chair: That is up to the committee to decide whether it is going to meet on Mondays or extend the sittings.

The Chair: Yes, but I also have the privilege to advise the committee and I am doing that right now. I am telling you now that I will resist motions which will have me leave my constituency on Monday, drive four hours down here, sit Monday afternoon and go home on Friday and not have time to do any of my constituency work or be with my family. I will resist that. If you as a committee feel that you should do that, well then I have no obligation but to follow your wishes. I am just trying to put before you that it is not quite that simple that we just say, "We're going to sit Mondays, we're going to sit nights and it's all going to work out."

Mr Duignan: We know that. We all have constituencies and we all have to travel as well, but we have to get on with the business of government. That is why we are here.

The Chair: Of course. That is why, before any of the committee members got anything, I asked the government for two more weeks, because I knew of the work that was before the committee.

Mr Mammoliti: There are other people on the list to speak, and if I had known we were going into this debate, I would have put myself on it as well. I suggest we get back on to the schedule of speakers.

The Chair: We will.

Ms Poole: Anyway, that was just a suggestion that we might consider meeting Monday afternoons. I can appreciate that people do have to travel and we do have constituency work, which is why I would personally be averse to meeting on Fridays, because we do have to try to keep our offices afloat and our constituents served as well and meet on the committee.

I would also like to reintroduce my suggestion that we do have more time for umbrella groups than we do for individuals so that we can fit in as many as possible.

The second suggestion would be that for the consultation stage, if we have two weeks, and again this is an option of the committee, we might consider having hearings by invitation. When we had select committee hearings on education in the past, in a couple of instances where we knew that there was no way we could begin the public consultation and do justice to it, we invited certain umbrella groups that represented the broad interests in education to attend the consultation process. Those are just a few ideas for consideration, but we obviously have a problem. I do not think any of us should want to see hearings on Bill 4 curtailed, so we are going to have to take a look at our agenda and see how we can possibly fit as much in as possible.

Mrs Y. O'Neill: Mr Chairman, I have found your remarks very helpful. I refer to the last ones first. I think you have had the longest experience here. I know that it is very tiring to travel and travel quickly throughout this province and that is what we are going to do, at least in the beginning. I also know that many of us have long ways to come and I also know that we have to have time for our constituents.

I think we have absolutely no choices; I think our choices are limited now in what we can do in that we have to abide by the rules of order of this Legislature and its committees. Those rules, particularly the rules on standing order 123, were worked over and worked over. They were not quickly determined and they were an all-party agreement. I think, as Mr Scott brought forward the other day, they are tied in with the rules of the House, opposition days and all those things. It is a very complex decision that was reached, and it was reached less than 18 months ago.

1120

I do feel that standing order 123 matters are going to have to take precedence over the working paper. That is what the Chairman has told us, I presume from information from the clerk. I think we have to base our discussions, then, on facts. The discussion paper, I think, as I said earlier in my remarks, will likely be the work of this committee. I do know that the House leaders have agreed to this, but House leaders do have times when they have some lapses of memory of rules.

Mr Brown: Say it's not so.

Mrs Y. O'Neill: They do try to accommodate each other. That is what their job is and I think for the most part it works very well. But in this case there has obviously been some lapse of committee rules. It is a brand-new rule. As I have told everybody, this standing order 123 has only been used once in this Legislature. I am very interested in the green paper that is being produced, but I do have a great deal of difficulty with even—and particularly with trying to get input even by invitation to a paper that will not be tabled until we are about to discuss it—how we can advertise intelligently across the province for people or even suggest witnesses to come in when we have not seen the paper and do not know its directions.

I do know from fact that what the Chairman has told us is totally correct and a record of the number of people who are interested in the housing issue in this province. To suggest the discussion paper come here I think is in deference to our committee, but I think we have no choice but to have that done when we go back into session in March.

I have to say this from a personal point of view: I think we are all quite tired after the first five weeks. We are all fitting into new roles, those of us on this side and certainly on the other side. To not take any break, which is basically what this committee is saying—we are going to take, I think, one or two weeks at the very most; I know my staff are creating things I should do then—and to go back into a four-month session, where we no doubt will be asked to sit evenings, I think we should be realistic.

I would suggest that we obey the rules of order, we keep our discussion to that point and do our hearings on Bill 4. I do not even want to begin the standing order 123 subjects, but if that is what is going to be determined we should do because that is what the standing orders state, then I am certainly willing to do that. I do know that both of them are going to engender a lot of interest. I have had interviews already on our position and the subject I brought forward of cross-border shopping. This committee has a very heavy agenda. We are going to have a lot of people and it is going to mean we are going to get a lot of correspondence in our office, a lot of briefs that we are responsible for reading and likely a lot of phone calls. It is not just the case of sitting here in this room, in this protected environment.

My suggestion is that we do the four weeks of hearings and then we will have to determine whether we are going into standing order 123. I am certainly willing to listen on that. We have to fit in clause-by-clause. The discussion paper, I humbly suggest, according to the rules of order is going to have to be put to another time than this intersession.

Mr Turnbull: I have to agree to a great extent with what Mrs O'Neill has just said. Certainly all the NDP members and the two Conservative members are new to this House, so we are learning the rules as we go along. We do have other duties and we are going to have to discharge those duties. We have that duty to our constituents and we cannot let those slide under the carpet. The importance of the public hearings with respect to discussion of Bill 4 cannot be overestimated. There are going to be a lot of people who are going to wish to speak to this. Notwithstanding the fact that it is interim legislation, it still has far-reaching implications for this province, as I have said before.

It has been agreed with House leaders—and we have confirmed now that they are in agreement—that we will have the public hearings during the weeks of 14 January and 21 January and into 11 February and then clause-by-clause on 18 February. But it is important that we get consideration of our standing order 123. These are the important issues. Standing order 123 is something which was agreed to in the rewriting of the rules of the House. This is our opportunity for the opposition parties to get important

measures before these committees, so we must ensure that they are not swept under the carpet. Clearly I am very pleased that we are going to get a look at the green paper and get a chance to consult on that. As Ms Harrington has said, this is the permanent legislation and we want to take a lot of looking at that, and certainly it will be referred back to this committee after it is introduced in the House. But this has some of the most important implications for the province and it is not just housing that we are considering, it is the way we govern this province.

An awful lot of people are watching this. It sends signals to the whole investment community, and we must not trivialize this by thinking that we can just push it through very quickly. So to the extent that we need to get standing order 123 through—and maybe there is some give in that, but we will certainly have to start—we can start considering the green paper before the House resumes. But it seems to me that we are going to have to sit during the House time considering the green paper and, as Mrs Harrington has said, the legislation for Bill 4 is to cover a two-year period. Therefore, there is enough time to consider this. We should allow full public discussion.

Mr Duignan: Yes, it was agreed on 6 December in relation to what the schedule would be for this committee to meet during January, February and March, and it was agreed by the House leaders that after the clause-by-clause on 18 February the discussion paper or the green paper would be reviewed for two weeks following that. I know the committee would not want to use standing order 123 for stopping the discussion paper from coming to this committee and there is a way around that particular standing order: that is unanimous consent of this committee to agree to discuss the discussion paper when we finish the clause-by-clause on Bill 4, or we can simply amend the motion before the House today.

Mr Brown: I guess I am kind of uncomfortable with what was just said in terms of, "We will do what we want." I think there is a compromise that we could be happy with here. I think that we on this side are very interested in all questions relating to housing and certainly with rent control legislation. Certainly we do not want to see this moratorium in place any longer than necessary. What if, in the interests of making things work well for everyone, we agree to have the clause-by-clause at the end of the six weeks? We give the ministry opportunity to come before us on—I forget the date; 18 February is when it believes it will have the discussion paper. We allow them a day to make a presentation on that so it is out in the public domain. The discussions and consultations can go on. We do clause-by-clause at the end, so technically we are all debating Bill 4 and hearing consultations all through the period. In my mind, there is no rush to deal with Bill 4, because there cannot be legislation until the House comes back anyway. We are only a committee. We are hearing consultations on that and depositions about that particular bill.

I would just suggest that as a reasonable compromise that might allow you to have your consultation period. We

could be sure that the green paper is presented before the committee on Bill 4. Everybody could be happy.

1130

Mrs Y. O'Neill: On a point of information, Mr Chairman, is that correct, that we can overrule the rules of the House by unanimous consent?

The Chair: It would have to be the unanimous decision of this committee to ignore the rules.

Mrs Y. O'Neill: Is it possible to ignore rules with unanimous consent? I would certainly like a ruling from the clerk.

The Chair: Yes.

Clerk of the Committee: The most effective thing you can do is, for the 123 reports that this committee has adopted from the subcommittee, each of those reports can be amended to change the dates for consideration of those items. Then you are not contravening the standing orders. What you are doing is changing the dates so that they will be considered after you do Bill 4 and the discussion paper.

Mrs Y. O'Neill: I did not think we had dates on those.

Clerk of the Committee: We do. The first one, Mr Turnbull's, was to start 14 January. We now have a government bill which will set that aside anyway, and Mrs O'Neill's commences immediately following that.

Mr Brown: Just on that point, would that preclude those motions from coming before us in the next calendar year, if we amended the dates?

Clerk of the Committee: No.

The Chair: Or, if there was unanimous consent, we could just agree to ignore the rules.

Mr Duignan: A point of clarification on your proposal: What you are suggesting is that instead of the week of 18 February to hear clause-by-clause, we would move that back to the week of 4 March and use those two weeks in between for the public consultation on the discussion paper.

Mr Brown: What I am suggesting myself is that the green paper could be presented as part of the depositions to this committee on Bill 4, and following that, we could continue to hear people. These issues are so interrelated that I do not think there is a great deal of difficulty with them. We could continue on in that vein and it would just be a way maybe to make this committee work.

Mr Duignan: I am wondering, Mr Chairman, if we could have a recess for about five minutes so that we have a chance to discuss this.

The Chair: Let's hear from Mr Mammoliti and Mr Bisson; then we will entertain a short recess.

Mr Mammoliti: I just want to respond, first of all, to what Mr Brown said about our doing what we want, and what my colleague said. I think that is not what my colleague meant. I think what he meant was that we should be actually consulting as a committee, and I think we have proven that by bringing the consultation paper or whatever you want to call it, the green paper, to this committee. I think we want to talk and get the views of this committee.

We are not, in essence, doing what we want, so I take some exception to what Mr Brown said.

I also just want to clarify that it is important for us to listen to the public—no question, very, very important—and I think we can agree to that. It is very important for us to be in our constituencies as well. I also want to remind everybody here that we do have the option to have somebody sit in for us. So if there are evening sessions and if we do agree to sit evenings and deal with as many public requests and suggestions, you have the option to have somebody sit in for you. That gives you time to be in your constituency and it gives you time to speak to the people you want to speak to.

Mr Bisson: I concur with our colleague here. Give us five minutes for the committee to recess and we can come back and pick up from that point.

Mr Brown: I just wanted to make a point, and I think the Chairman and I both have the same difficulty, just because we are the Chairman and Vice-Chairman. For Mr Mancini, it is four hours, at least, to get here from his constituency; mine is six and a half. The difficulty with substituting for the Chairman and the Vice-Chairman is slightly more than substituting for the other members. I am not precluding anything, but what it means to me to sit Mondays, just for an example, is that I really have to come on Sunday and I will not get out of here until Friday, so it gives me one day. Sure I can substitute, but it is a little more of a problem for the Vice-Chairman.

Mr Bisson: I want to speak on the issue, but I would like to have the five-minute recess and, when we come back, to be on the list.

Mr Turnbull: Just before we break, there is a vote in the House at 5 to 12 on a private member's thing.

The Chair: Do you need to be there?

Mr Turnbull: I need to be and then I have to represent our party at a function for the government at a quarter past 12. Are we going to be going beyond that?

The Chair: I was going to suggest to the committee that we continue to meet over the lunch hour until we reach an agreement. I do not think it will be any easier for any of us to work this afternoon.

Mr Drainville: I think we are close, actually. I do not think we are far apart.

Mr Duignan: We are not far apart.

Ms Poole: Just before we break, I think there is one other thing I would like the government members to consider, as well as opposition members. If it is not possible to complete the consultation on the green paper during the time we have been allocated during the intersession, I would propose that we extend this to the period when the House is back in session, so that may be something you would like to talk about at the same time so that you could have consensus when we come back.

The Chair: Can I offer the committee my advice before we take a five- or 10-minute recess? I only do this based on data and information that I have and based on the rules. I read into the record earlier the work that Bill 51 generated for the committee. I read into the rules how we

had to abide by standing order 123. We have a good long period of time. Six weeks is a long period of time. I agree with that. We are going to have to advertise for Bill 4. If we do Bill 4, if we do the consultation paper and then if we do the 123s later on, we may need two sets of advertising.

I am trying very hard to tell the committee that I do not want this to be turned into a situation where hardly any of us know what we are doing. I want to have the work done here expeditiously and orderly for all our sakes and for the people who are going to come before us.

I am as aggressive as anybody else on the committee and I like to bite off more than I can chew sometimes too, but I am just advising the committee that the advice you are receiving from the Chairman is that I would recommend that we spend the four weeks the best way we can on Bill 4, do the two 123s and get them removed from our schedule and completed, and when the House convenes let's go right to work on the consultation paper.

I think we can handle that fairly and orderly. We will look good in doing our work. There will not be confusion. We will know how to advertise. There will not be mistakes. I think we can control that and have it done right. But I am only your Chairman. I am here to do your will, and with that we are going to convene in 10 minutes.

The committee recessed at 1139.

1151

The Chair: We are just returning from a short recess. Discussions were to take place on how we could best handle the agenda for the six weeks of work that we have ahead of us. Is there any discussion?

Mr Bisson: What I will do is I will pass it over to Mr Duignan, basically, as the same message as I was going to give.

Mr Duignan: Basically, we want to go with what was agreed to by the House leaders because, if not, the choice of the committee to discuss the discussion paper will not happen.

The Chair: Do you have a motion?

Mr Duignan moves that report 3 of the subcommittee be amended by removing the paragraph following the heading "Dates" and substituting the following: "That the committee hold public hearings on Bill 4 on Tuesday, Wednesday and Thursday during the weeks of 14 and 21 January and 11 February, and meet for clause-by-clause during the week of 18 February, and that following conclusion of clause-by-clause the committee then hold briefings for the remainder of the week of 18 February on the discussion paper to be tabled by the Minister of Housing, and that public hearings on the discussion paper be held in the weeks of 25 February and 4 March."

Mr Duignan: On that motion, Mr Chairman, doing it any other way would delay the moratorium by about six months and preclude this committee from being part of the discussion on the discussion paper.

Mr Turnbull: I have consulted with our House leader. We have no objection to that with the following two caveats: (1) with the understanding that the week of 18 February on our clause-by-clause hearing to the extent that

we have time during that week to hear the submission by the ministry with an agreement; and (2) I would also like to make sure that there is an assurance by all members of this committee that immediately the House resits we will start without any other delay on consideration of our 123s.

The Chair: Are you placing that as an amendment to the motion or just as advice to the committee to get general agreement?

Mr Turnbull: I will place it as an amendment to the motion.

The Chair: We will have the clerk work on the amendment. While that is being done, Mr Brown.

Mr Brown: I am interested in this suggestion. Over here, we find it quite difficult to be doing business in this fashion. You are asking the committee to break the rules of the House. I guess the clerk can tell us whether we can actually do that without the consent of the House. I am not really too comfortable with the entire notion.

On the other hand, we are interested in the green paper. We are interested in the consultations. I am wondering if we can hear the number of groups in the time frame you think we can hear them in, on the moratorium or on Bill 4. I guess at this point I just have some large concerns. The politics of this is that you guys say, "Well, the opposition would not give us unanimous consent," and you beat us up because we do not want to hear about housing matters. But from our position, you are trying to take away the rights of the opposition. We have difficulty with that, too. I just put those couple of views forward for you to think about.

Ms Poole: I have several suggestions which can be put in the form of amendments, should it be desired. I would like to see the consultation document done as hearings by invitation, simply because I do not feel we could do justice to public hearings if we were to invite the public at large to participate. Second, the fact that we are so limited in the time we have means we would not be able to travel. That again would deny the public outside Toronto a chance to participate, and this certainly has been a procedure used by other committees when they have dealt with consultation documents.

Second, should we go ahead with this motion that has been proposed by the government members, I feel that if the consultation for the green paper is not completed during the time we have been allocated, I would like to have the leeway to continue it once the House is back in session. I would even be willing to limit it to a certain period, to be reasonable. But I do not feel we should cut ourselves off from completing the process if necessary, because—do not forget—we also have to write a report on that, and to have two weeks to have consultation, even by hearings by invitation, and to write a report is totally unrealistic. After that, I would propose that immediately the committee go to the 123s, because that is also an important part and we do not want them to be negated.

The third point I would like to make is with regard to the ad. I feel that the deadlines are too generous, particularly as we are going to have numerous presentations. To imply that people can contact the clerk for oral presentations up until 8 February and still be heard is perhaps

again unrealistic. I would suggest that we tighten that time line, that people have approximately three weeks to respond—

The Chair: Could we discuss that when we get to the ads, so we do not make what we are doing even more complicated? Can we make sure that is going to be an item for discussion when we get to appropriate advertising and how much we are going to spend? There are a couple of other issues on that. I am sorry I cut you off. Is there anything further, Ms Poole?

Ms Poole: No, that is fine.

Mr B. Murdoch: My only concern was the 123s. I think David has addressed those in his amendments, so I will just let it go.

Mr Bisson: I think we have to be clear on what we are trying to do. We are trying to ensure that we do not end up in a protracted situation with regard to Bill 4. I think all members of this committee, on both sides of the House, are interested in getting to the point where we actually get to the legislation. We do not want to get into a situation where we end up prolonging the moratorium any longer than it has to be. The concerns addressed by tenants and by landlords in this province with regard to what is important for them to see in this legislation need to be taken forward. The only advice I give to the committee is, let's not put ourselves in the position where we protract the debate and the public hearings. Yes, we are interested in listening to what the people of this province have to say about rent control, but let's do that with the rent control legislation itself and let's not get into a protracted situation with regard to Bill 4.

Mr Drainville: We are just about to head into a vote upstairs in the House. Obviously, there is more discussion wanted on the issue, rather than calling for a vote immediately. Can we have some direction as to what we are going to do in terms of meeting after this vote is held?

The Chair: If the committee wishes to adjourn to get to the chamber for the vote being taken right now, we will do so. The bells will ring. How be we work until the bells ring, and then after the vote I would ask everyone to return as quickly as possible.

Mr Drainville: Let me just say a couple of very short comments. There is general agreement that we want to deal with the legislation the government is going to come in with, and what we are trying to do is facilitate that. Again, I do go back to the House leaders having discussed this; we are not trying to pressure us into going into a direction we do not want to go. We want to have broad consultation on this new legislation we want to bring forth on housing.

I too am concerned about the number of people and groups who want to make deputations to this committee on Bill 4 and will want to make deputations on the new legislation. We have discussed this among ourselves and I would hope we will be able to have an opportunity, if we need to, to sit longer hours as a committee. I know it is difficult. I too come from a great distance, four hours into the city. But we realize we have so much work to do and we cannot feel bad about that; we just have to do the best

we can to try to deal with the agenda set before us. So, with the bells ringing, I will just cut my remarks short at that.

The Chair: It is a five-minute bell, so hopefully we can commence no later than 1220.

The committee recessed at 1204.

1227

The Chair: I would like to reconvene. Before we adjourned, we were working from a list of speakers. Mrs O'Neill was next on the list.

Mrs Y. O'Neill: First, I want to say that I have difficulty when members of the government continue to talk about shortening the moratorium. It was this government that put that moratorium on and set the time line.

That being said, I have another extreme difficulty in continuing to talk about a paper that none of us is going to see until the day it is brought here. Then—maybe I do not have enough experience, although I have been around this place in public office for quite a long time—we are going to expect people to respond to a paper that will only be in this province for three days before we ask witnesses to come before us on the following Monday. That is a problem; I do not understand how we will find a solution to it.

I have asked the clerk to give us a breakdown of how we will ever deal with the 12-hour items. She has given me the following.

I am sorry; I did not hear the motion because I was speaking to someone at the back of the room, but I understand that at the moment there is a motion that says four weeks of Bill 4 and two weeks on the paper. If we do that and agree, as per the amendment that has been put forward by the third party, we are talking of 21 March, 28 March, 4 April, 11 April, 18 April and 27 April, and that is if nothing else comes to this committee from the House.

We are responsible for 12 ministries in this committee. It is a very heavy committee. That, to me, is somewhat unfair to those of us who are in opposition and also more than unfair to people who are interested in either of those two subject matters which have been presented by the opposition parties.

I am the only one sitting here that did the 12 hours; there has only been one experience, as I have said. When we did the food banks, we concentrated it over one week because that was only fair to the presenters. They like to hear each other and also like to hear the researchers that are brought forward.

We are going to ask people to come to Toronto over three weeks on any given subject now from across this province. In my humble opinion, this is less than efficient, less than fair and not open government. I have just told that to the NDP House leader. I certainly intend to talk to my House leader about this. I have been on committees a lot in this Legislature, and I have not yet had one bad committee experience, and every committee I sat on except the food bank one had a unanimous report. My committee experience has been very good. That is why the way we are starting on this committee is not my experience and I am finding it less than comfortable.

The Chair: Just for the benefit of the committee members, when they check their schedule—the government House leader is in attendance, and we welcome her—the spring break for my children is the week of 18 March. Evidently, there are two different weeks where schools have spring break. I do not intend to be here that week; I intend to be home with my children who are off school. I do not know if the assembly is going to sit that week. It will be something the House leaders and others will have to discuss in the near future.

Mrs Y. O'Neill: So now we are into May. Could we be given extra time to meet, for instance, Wednesday mornings or other days when we would not normally be meeting? As I have explained, several of us have several committees because we are smaller in numbers.

Ms Poole: I had made several suggestions to the committee before we had our recess, and I have been thinking about the matter of the 123s. I think it is extremely important that they have an opportunity to come before this committee when we are back in session. I would therefore amend my amendment when I asked that if the consultation paper hearings were not completed by the end of the session that they continue in this committee. I would like to amend that to say—

The Chair: My apologies for rudely interrupting you, but I am told by the clerk that I must require that the committee deal with the motion and the amendment first, and then we could deal with your amendment to the amendment. I am informed that that is the procedure. If you wish to inform us now about what you may be doing, I think that would be in order.

Ms Poole: Okay. I feel it would be more appropriate if the committee consider the 123s in its regular sitting time, and if we require additional time to complete our report on the consultation paper we could ask the House leaders for that additional time by this committee so that the 123s would actually take priority. I have reason to believe that the House leaders would concur if we did ask for some reasonable time to complete our report on the discussion paper. I will make that as an amendment to the amendment but I will do it at the appropriate time.

Mr Brown: Just on a point of clarification: Are we talking about the entire consultation on the green paper taking place during that two-week time frame? Is that it?

Ms Harrington: No.

Mr Brown: Okay. That is what I was trying to get at.

The Chair: I am going to ask the clerk to read the motions for us.

Clerk of the Committee: Mr Duignan moved that report 3 of the subcommittee be amended by removing the paragraph following the heading "Dates" and substituting the following:

"That the committee hold public hearings on Bill 4 on Tuesday, Wednesday and Thursday during the weeks of 14 and 21 January and 11 February and meet for clause-by-clause during the week of 18 February, and that following conclusion of clause-by-clause the committee then hold briefings for the remainder of the week of 18 February on

the discussion paper to be tabled by the Minister of Housing and that public hearings on the discussion paper be held in the weeks of 25 February and 4 March."

Mr Turnbull moved that the motion be amended by removing the words "and meet for clause-by-clause during the week of 18 February and that following conclusion of clause-by-clause the committee then hold hearings for the remainder of the week of 18 February..." and substituting therefor "upon completion of clause-by-clause during the week of February 18, the Ministry of Housing do a briefing on the discussion paper and that if the ministry is prepared to do the briefing before completion of clause-by-clause on Bill 4 during that week, that such clause-by-clause be continued into the week of 25 February to allow that briefing, and that the committee unanimously agree that the committee will consider the two standing order 123 designations immediately upon the return of the House in March."

The Chair: All in favour of the amendment? Opposed?

Mrs Y. O'Neill: I am sorry, we are having some difficulty here. We are having some difficulty particularly with the uncertainty of the 123s because there is nothing in there that says "uninterrupted" or "following concurrently" or—I am sorry, I cannot think of the right word. "One after the other" is what I am trying to say.

The Chair: I am sorry to interrupt. The rules require that once the Chair puts the motion there be no further debate unless there is unanimous consent of the committee to have further debate. Mrs O'Neill, if you would like further debate on the motion, I would have to ask the committee for unanimous consent to do so.

Mrs Y. O'Neill: I hope I can expect that what I am saying is what is understood. I do not think that either our party or the other party would expect any different, but I am nervous at not having it in writing, and it certainly has to go back to the House leaders. I think that is what was understood. So if people can unanimously agree that what we are saying is that this takes precedence—

The Chair: Order, please. I am sorry. I want everybody to be heard as much as possible. The motion is on the floor. The Chair has called for a motion. We can only have further debate if there is unanimous consent of the committee. Are you asking for unanimous consent?

Ms Poole: I move that we have unanimous consent for a five-minute discussion, maximum, on the issue prior to returning to the vote.

The Chair: Ms Poole has moved that the committee allow five-minute discussion, maximum, on this motion before we proceed. We need unanimous consent to do so.

Agreed to.

The Chair: Mrs O'Neil, I am sorry I had to cut you off at that time.

Mr Brown: Can we get a copy of that?

The Chair: We need copies of the amendments. The clerk will work on that immediately.

Mrs Y. O'Neill: All I wanted to do was make sure that the 123 matters are dealt with immediately, which is

an awful long immediately. I guess now we have to change the dates. We were supposed to put dates to these, as we did in the beginning, beginning with Mr Turnbull's motion on 28 March—I presume that is now the new date because you said you cannot be here on the 21st, or will not be—and mine will be appearing at the beginning of 18 April. If those are changed again, as they have been this morning, I will have to accept that. Those are the three Thursdays, unless at this moment we can agree to ask for extra time.

The Chair: That was 28 March and 18 April?

Mrs Y. O'Neill: Those would be the dates that we would begin those two requests.

The Chair: Does the full committee understand? We do not necessarily need a motion now during this particular discussion. We understand we are going to deal with the two 123s on 28 March and 18 April, as the record will show.

Mrs Y. O'Neill: If the committee decides, we could decide and ask for closer to two six-hour periods or an eight, or whatever, falling out of those two dates.

The Chair: I understand.

Mrs Y. O'Neill: We do not have to keep, but now we will have dates upon which we can—

The Chair: Commence.

Mrs Y. O'Neill: —give people an idea. I am already, as I said, getting requests asking when we are going to deal with this matter.

The Chair: Can I also inform the committee at this time that under the rules, even though we have set these dates, if further government legislation comes to this committee, that precedes the two 12-hour motions.

Interjections.

The Chair: I think we should be aware of it, that is all. We should just be aware of the possibilities. I am not saying anything will happen.

Mrs Y. O'Neill: The NDP House leader has assured me that if we want extra time to deal with the 12 hours, we will be given it.

Mr Duignan: I was just about to say the same thing.

1240

Ms Poole: I think the matter Mrs O'Neill has raised is very important, and I am glad that is on the record. But there is another point to Mr Turnbull's amendment I would like to just draw to your attention. What we have basically said is that if we find that we need more time for the clause-by-clause, we will delay briefings for the ministry. I appreciate the spirit of that.

My only problem is that if we want to line up witnesses to start appearing before us the week of 25 February, it is going to be difficult to maintain any type of flexibility. It means that we will either have to line up witnesses and tell them they may have to delay till the end of our presentation time if we need the time for other matters, or we are going to have to leave a couple of free days, in which case if we do have the clause-by-clause done and the briefings completed, we will have a couple of days wasted. That is my only concern in that we may have

to make a more immediate decision. Perhaps we could leave that to the subcommittee, the steering committee, to take a look at the scheduling when it is allotted and, if necessary, make adjustments.

The Chair: Our research staff advises me that I should inform the committee that it is very, very helpful and it has always proved helpful in the past to get the briefings done first. It helps the committee, and it has worked. These are complicated matters, very, very technical. Our researcher has gone through this procedure once before under Bill 51, and his personal experience is such that I think his advice is good.

Ms Poole: Just a point of clarification. I certainly was not suggesting that we do not have the briefings.

The Chair: Before we have the—

Ms Poole: We have to have the briefings before we go into the consultation document, because they are very complex matters. I was suggesting that maintaining a flexible schedule may create its own difficulties in that if we have problems, how do we schedule the witnesses?

Mr Drainville: I take that point. I think it is a valid point, and it is one of the difficulties in all of this complexity to try to get a timetable which is going to be able to accommodate everyone on these very major issues that are before us. I just want to say that in terms of that I think there is general agreement, on our side anyway, that what we want to try to do is accommodate and get all of these issues, including the 123s, through as expeditiously as possible. Since the House leaders have agreed on that as well, as Mrs O'Neill has indicated, then I do not think there is any—

Mrs Y. O'Neill: Your House leader has; I have still got to work on mine.

Ms Poole: But since our House leader is a most reasonable man, I think we can count on that.

The Chair: Our research staff also advises that when we start Bill 4, day one should possibly be such that we may receive a minister's statement and technical explanation from the ministry's senior staff. I think it is a good suggestion, and I am going to make sure that it is arranged in that manner.

Mr Drainville: Just to end, a point of clarification. Again, it springs from the fact that I am not as acquainted as other people are about the various ways these committees work. Let us say, for instance, we have a large list now of people who want to speak to us on Bill 4; let's say that list doubled. It could; that is possible. After all these decisions have been made today, does the committee then still have the power to say, "Okay, we're going to add this day or that day," or "We're going to sit in the evenings" or "We're going to this or that"?

I realize the difficulties. Again, I come from far out of town as well, and the pressure is on all our time. But I am just saying I know, on our side, that when we have been meeting together we have expressed our need to be consulted on these issues. I just want to know where our committee is on that score.

The Chair: That is exactly the reason why I suggested to the committee earlier that we follow a different course of action, which I take that we are not going to follow. I firmly believe that there is going to come a point in time where we are going to have a substantial list. I only say this based on the experiences that I read in the record from Bill 51, and I only say this based on the fact that the clerk tells me there are 46 people on the list already and we have not even advertised. I firmly believe we are going to come to the point in time where we are not going to come close to hearing everyone but we will be running out of time. As Chairman of the committee, that puts me in a very delicate position. I have no answer for the committee. I thought I had an answer for the committee, but it was not acceptable to the full committee. I do not know what we are going to do, but we may need a motion from someone to curtail the hearings.

Mr Duignan: On a point of information, I understand there is a motion going before the House this afternoon to grant extra days, if any committee wishes, during the break I think, on agreement of the House leaders.

The Chair: We have no extra days. Where would those extra days come from?

Mr Duignan: If we want to sit, for example, in the weeks we are not sitting. We are not sitting on the week of 4 February.

Mrs Y. O'Neill: One week. There is only one week we are not sitting.

The Chair: I do not know how we could sit those extra weeks, because with all due respect to all members of the committee, once my office in Leamington receives this, they will immediately start to work on things that I should be doing in the constituency. I am sure all other offices operate the same way. There will be public events and speeches, I may hold town hall meetings. I am not sure what the office will arrange for me.

Mr Duignan: I am only saying that the motion will be today.

Ms Harrington: I would start by going back to the question that was raised by my two fellow members with regard to making sure that we are hearing from everyone. I just want to go back and say that we will be dealing with this in the spring and the summer. There are going to be many people and we do not want to cut them off.

With regard to standing order 123, I have also let my city council know that cross-border shopping will be discussed and told it that the date in January may be difficult but I believe it is something that cannot be put off for a long time. Many issues are very important. These two that have been brought forward as 123s we should be dealing with. I have people in my city who want to be part of that. I do not want to put them off that much longer either, because it is a very timely issue.

Mr Duignan: On a point of order, Mr Chairman: We had an agreement of five minutes to discuss this.

The Chair: I agree. The reason I extended it on my own volition was that the debate had come from the Liberals and I saw interest from other parties. I was trying

to be fair. The five minutes has expired. We are going to get back to regular business. The clerk should be back shortly with the full printed copies of the motion and the amendment for everyone.

Mrs Y. O'Neill: Will the amendment now have these dates in it? Is that generally understood?

The Chair: We will see the document when it arrives.

Mrs Y. O'Neill: Certainly many more people than ourselves need to know this. I think it should be in writing somewhere.

The Chair: Everything has arrived. For the sake of clarity, I am going to ask that the motion be reread. I am going to ask the clerk that we go over the same ground and that the motion and the amendment be reread so that there is full clarity on what we are doing.

Mr Duignan moves that report 3 of the subcommittee be amended by removing the paragraph following the heading "Dates" and substituting the following:

"That the committee hold public hearings on Bill 4 on Tuesday, Wednesday and Thursday during the weeks of 14 and 21 January and 11 February and meet for clause-by-clause during the week of 18 February and that, following conclusion of clause-by-clause, the committee then hold briefings for the remainder of the week of 18 February on the discussion paper to be tabled by the Ministry of Housing, and that public hearings on the discussion paper be held the weeks of 25 February and 4 March."

Mr Turnbull moves that the motion be amended by removing the words "and meet for clause-by-clause during the week of 18 February and that following conclusion of clause-by-clause the committee then hold briefings for the remainder of the week of 18 February on the discussion paper to be tabled by the Minister of Housing" and that the following be substituted therefor:

"That upon completion of clause-by-clause during the week of 18 February, the Ministry of Housing do a briefing on the discussion paper and that if the ministry is prepared to do the briefing before completion of clause-by-clause on Bill 4, such clause-by-clause be continued into the week of 25 February to allow the briefing, and that the committee agree that it will consider the two standing order 123 designations immediately upon the return of the House."

1250

Mrs Y. O'Neill: While the clerk was out, we agreed to dates that would help us and everybody who reads this understand what we mean by that. We gave two dates to the resumption immediately upon return to the House.

The Chair: Those dates are in the record.

Mrs Y. O'Neill: Can we put them in this motion?

The Chair: Yes. If it is a friendly amendment, can we agree to insert that immediately?

Clerk of the Committee: It is my understanding then that the motion reads, "That the committee agree that it will commence consideration of the two standing order 123 designations on 28 March and 18 April respectively."

The Chair: All in favour of the amendment?

Motion agreed to.

The Chair: All in favour of the motion?

Motion, as amended, agreed to.

The Chair: Based on our discussions earlier on and the advice I have received from our research staff, I am going to ask the clerk to write to the minister, advising the minister that we would request his attendance on the first day of hearings of Bill 4 for a full explanation or whatever he wishes to say to us, and also for briefings from the ministry staff. We will follow the same procedure for the green paper or consultation paper so the committee knows that we are going to be doing this.

We have a number of other items to complete this morning.

Mr Mammoliti: On a point of privilege, Mr Chairman: If at all possible, would the clerk's office be able to compose a calendar such as this one, with dates, times and where we are going to be so that we know if we have to substitute somebody for our meeting or whatever, as quickly as possible?

The Chair: Your suggestion is noted.

I would like to move to some other parts of business. We have now completed the number one item on the subcommittee report of Thursday 13 December dealing with dates. I would now like the committee's attention to turn to the travel that the subcommittee had agreed to. For everyone's recollection, the committee decided that we would travel early in our hearings to Ottawa, Sudbury, Thunder Bay and Windsor and that the committee would also hold more hearings in other regions of the province, or cities or areas, if the committee deemed necessary. Is the full committee in agreement with the subcommittee's work in this matter?

Mr Turnbull: Just one comment on the choice of these locations: My only thought is that I wonder if it takes into account the number of people who will want to address us by area. I recognize that we can substitute other locations, or we can add other locations, but is that where the bulk of tenants are who are likely to want—

The Chair: It has been our experience that these areas named serve as regional centres for the province, and it has been our experience, rightly or wrongly, that it is easy for people in that particular region to get to Thunder Bay. We may want to add Sault Ste Marie, I do not know; we may want to add Kingston and we may want to add other areas.

Mr Duignan: I understand there will be interest coming from the Waterloo-Kitchener-Cambridge area too.

Mrs Y. O'Neill: I have had a request from London.

Mr Duignan: And London.

The Chair: I think it is fair, a two-hour travel time. I think anything more than that makes it cumbersome for whoever wishes to make a presentation.

Mr Duignan: I suggest that if we are going to hold hearings in Toronto, for example, maybe we could hold them somewhere out in the suburbs of Toronto where it is a little easier for people to come in from the London-Kitchener-Cambridge area.

Mrs Y. O'Neill: That's too expensive.

The Chair: That will be something for the committee to discuss as we go along. That is up to the committee. That would be totally up to the committee. As the Chairman, I can only give you the best advice possible.

Are we in agreement then with the subcommittee's report on travel? Thank you.

Scheduling: Ms Poole had brought to our attention her views on scheduling. We had agreed that all witnesses be given 20 minutes for their presentations and that up to 20 minutes be reserved for questions, divided equally among the three parties. Ms Poole informed us earlier in the committee meeting this morning that she has a concern about this and wishes us to consider her advice.

Ms Poole: From having sat on a number of other committees, I just find that allowing 40 minutes for individual presentations is excessively long, particularly when we may be forced to curtail the number of people we speak to.

I can understand, when there are umbrella groups that represent a large number of tenants or a large number of landlords, that they might require additional time because they are acting on behalf of many, many people. I would suggest that we have two criteria, and this again is not deviating from precedent in many cases, of having perhaps 10 minutes for individual presentations with 10 minutes of questioning time and to double that for umbrella groups.

The Chair: Any discussion on this suggestion?

Mr Duignan: It seems reasonable to me except that it is hard to divide 3 into 10 or 3 into 20. Perhaps we could have, say, 9 minutes or 12 minutes or 21 minutes or 18 minutes. That kind of keeps time fairly even between the parties.

The Chair: My view is that for all of these things we will probably run a minute or two over to accommodate everybody's particular wishes. We can do odd numbers.

Mrs Y. O'Neill: I certainly agree with you, Mr Chairman. Having chaired here, I know it is impossible to cut somebody off in the middle of a sentence, and that could also apply to witnesses in the middle of a sentence. That is what that would involve if we are talking about 3, 9 or 4.5 minutes.

There are individuals who come before committees, and I am thinking from past experience—for instance, when we did the section on child poverty, we had somebody from McMaster University who had done extensive research. I think then that this individual, and apparently he is the authority in Ontario, if not Canada—we have to then have that person considered as representing an umbrella group, even though he is talking to his own research.

There are other people we invited. For instance, when we did the food banks we had a person come in from the United States who gave a very good overview of much of the experience there. We may want to say that person gets half an hour.

I think when you get the list of witnesses, I definitely agree with Ms Poole. This is a good general rule but, as you have just said about the questions, there will be some

exceptions and some flexibility. I do think we should stick as close as possible to our guidelines, realizing that we will have to make decisions sometimes on a daily basis regarding the time.

1300

Mr Turnbull: Where we have somebody who is obviously well prepared and has done a lot of research, I agree that we should allow him some extra time. It is obviously important that we get to as many witnesses as possible. If we are going to be cutting it off after three weeks of discussion, it is important that we make sure we accommodate the people who wish to speak to it. But I would just comment that if we have a situation where we have multiple tenants from one building wishing to speak as individual witnesses, I think it is important that the property owner be accorded the consideration that he is speaking on behalf of a group, just in order to allow fairness. Do I make myself clear on what I am saying there?

Mr Mammoliti: Just two points: How are we going to relay this? Are we going to do it through the ads and let them know that they get a certain amount of time to speak? Second, what are we going to do with this scenario? A group of people, an umbrella group, wants to speak. They put their name on the list. They know through an ad that you have the privilege of speaking as an individual as well, and they put everybody who belongs to that umbrella group on the list. That sort of thing may crop up and I am just trying to figure out how we would deal with that particular item if it did. How would we know as well? Those two items, then.

The Chair: I think I can answer your first question. Your first question was, how will we communicate to the presenters what their time limits are? The clerk will do that after receiving their advice that they wish to appear before us. Your second question is very difficult to deal with and I am not sure how we are going to be able to do that. I understand your concerns, they are very legitimate, but I do not know how in advance, at this stage—

Mrs Y. O'Neill: Can we not just insist that these people give their addresses? I mean, they are talking about where they live. If they all come in from the same apartment building, I think we have to ask them to have a spokesperson. That is what we had to do with education matters. We certainly did not have every teacher in the school or every parent.

The Chair: We will ask for addresses. What I will do is I will ask the clerk that, if upon receiving lists and information on who wishes to speak, it appears that there are 15 speakers from one particular address, we will then obtain more information and see if they can make their presentation as a group. The committee will be informed, of course, because it will have to be your decision as to what we are going to do on these matters, just like it is going to have to be your decision how we are going to deal with the people we are not going to be able to hear. That is going to be a problem.

Mr Drainville: My point is exactly on what has been raised by Mr Turnbull. It seems to me, again, no matter whether we stick with the list that we have or whether the

list is doubled in terms of the people who want to speak to this committee, we are going to have trouble scheduling. That is just the way it is. In terms of that, I think it needs to be said that we should not have multiple people speaking from a particular dwelling. If we have one building, let us say, if they are given the opportunity to speak, they should choose who they want to speak on their behalf, and they become an individual speaking. Then also the landlord is an individual speaking about his particular thing. I think really they should be kept to 10 and 10.

It is different for the Federation of Metro Tenants' Associations. That is an umbrella group, a bona fide one, or the landlords' association of Metro Toronto, if there is such a thing, and that would be an umbrella group. But in terms of a particular dwelling, I think it would be only fair to say that you have an individual from 75 Smith Ave, and if there is a landlord from 45 Montrose, then he speaks, and they each speak for 10 minutes and 10. In that way they do get an opportunity to speak, but they speak as individuals.

Ms Poole: I think both points that have been raised are good points, but I think we can leave a lot to the discretion of the clerk, and she will certainly be calling upon the subcommittee. Some decisions which seem difficult now will become obvious as we move along and we know how many we have to slot in. The clerk does not give automatic time as soon as somebody phones up and says, "I want an appointment." She waits until she has a considerable number and she knows how tight the scheduling has to be and what she has to do. Certainly things like looking at the addresses and making sure that there are not 20 individual presentations from one building would be part of what she would automatically do.

I think we can safely leave that to the steering committee, if the clerk needs its assistance. But I think it is good that you have raised the point so that we at least have a chance to discuss it at this stage.

The Chair: Very good. Thank you. We will note that.

Mr Turnbull: Certainly I think that is a reasonable suggestion as to how to handle it. Obviously we will run also into the situation where we may have tenants who speak from various buildings, and in fact it might be one landlord who owns many buildings. If some cogent points have been brought up by the tenants, I think it is only appropriate that a landlord who owns multiple buildings should be given extra time in order to address those specific points, if in fact that is the issue. But I would be happy to defer to the chair.

The Chair: The Chair cannot make these decisions. The Chair will do the following: The Chair through the clerk will advise organizations that they have 20 and 20, and the Chair through the clerk will advise individuals that they have 10 and 10. We are not in a position to make all these judgements based on what we receive on paper. As we know, the committee can on a unanimous basis do certain things or do just about anything.

I am sure that during our many weeks of hearings all of us are going to show some flexibility. On one particular day, requests may come from any side of this committee room and it will be up to the committee members to judge

for themselves on that particular occasion how generous they want to be with requests that come from committee members to extend time or to make special arrangements for certain individuals and/or groups. We will have to just do the best we can as a committee.

Mr Turnbull: In view of the extremely tight time frames that we are going to be working under and the need to hear from as many people as possible and take this into consideration, I would encourage, even though I believe it is not the custom, that in the advertisements we place we request that anybody wishing to speak to this make his submission in writing. In that way we can ensure that we have some qualitative view as to how much time we are going to give. If indeed somebody is going to be missed from the speaking sequence, then I think it should be the people who have a less than clear view as to what they are presenting.

Mrs Y. O'Neill: I think that is an ideal, but I honestly think it is unfair. I feel that there are people in this province who have not had the benefits that some of the rest of us have had. They may be tenants for the most part, but some of them may be landlords. They may be new to our country. They do not have the resources of copying machines, clerical help and fax machines that we all have. I feel very strongly that we ask people, and I would say that 90% of the people who come to Queen's Park can accommodate us, but sometimes the most poignant witnessing that I have seen here has been from those who we could not demand that of, whether that be an elderly person, a person with disabilities or a person who has not got the resources that I have just mentioned.

I think we have to be open and I do not think that we should bump people because they cannot accommodate that. As I say, whatever they say will be recorded and it will be in writing in the end, but for the most part people can accommodate. For those who cannot I think it would be, I am afraid, discrimination in my opinion.

Mr Turnbull: In view of what Mrs O'Neill has said, and I think it is a good point, I would withdraw that and suggest then that in the advertisements we encourage people to make written submissions and in that way if we do have to make any selection we can make some sort of qualitative judgement.

1310

Mr Duignan: I was just about to make that point as well, that we encourage people, where possible, to make written submissions but we should not exclude anyone because they have not sent in a written submission.

The Chair: I would even advise the committee not to even put it in the advertisement. It just makes it longer and another obligation on who wants to come. If we are not going to require it, why put it in the advertisement anyway?

Clerk of the Committee: If this helps the committee at all, when an organization is scheduled, we tell them over the phone that it is helpful to the committee if there is a written submission provided. Sometimes they are not able to get that to the committee in advance and they bring it with them at the time they are scheduled to appear, but we

usually do ask for something written. In addition, the committee may find it helpful to also ask for a summary to be included in that written submission.

Ms Poole: I was actually just going to pass on some of the information the clerk just did. My past experience has been that the clerk usually asks at the time they phone to make an appointment. She mentions the time limitations and she asks them if they have a written presentation that it be submitted in advance so that it can be distributed, but it is also the prerogative of the Chair at the time, if a last-minute written presentation appears to be an inch thick, to reiterate the time and ask them to summarize their brief instead of reading it directly into the record.

The Chair: Yes, and I will note that.

I take it that the committee has agreed with the 20 and 20, and 10 and 10 rule and it will be up to the full committee to deviate from that.

Lastly—we are almost finished—advertising: The subcommittee agreed that we would put ads in all Ontario daily newspapers, including *Le Droit*, and in a cross-section of the ethnic press during the first week of January 1991. I want to bring to the committee's attention that to put ads in all of the daily papers, as we discussed, would cost about \$20,000, and to include the ethnic press would raise the cost to \$70,000. It is going to be up to the committee. I would recommend against it, but it is going to be up to the committee to decide. It is an extra \$50,000. It is up to you.

Any discussion?

Mrs Y. O'Neill: We said dailies and a sampling of the ethnic press. You said the \$50,000 had to do with weeklies?

The Chair: No, just the ethnic press. It is \$20,000 for the dailies.

Mrs Y. O'Neill: We are doing nothing about the weekly press.

The Chair: It was discussed at the subcommittee and it was agreed at the subcommittee that it might be overly expensive.

Mrs Y. O'Neill: When we talk ethnic press are we talking the francophone press?

Clerk of the Committee: Would you like me to tell you which languages are in the ethnic press? French is not; it is *Le Droit* only.

Mrs Y. O'Neill: Okay. Do you want to speak to the languages? Could you give us an idea of what we are speaking about?

The Chair: Arabic, Chinese, Danish, Dutch, Estonian, Filipino, Finnish, German, Austrian, Greek, Hungarian, Italian, Japanese, Jewish, Korean, Lithuanian, Polish, Portuguese, Serbian, Slovak, Spanish, Ukrainian, West Indies, Caribbean, Hindi, Punjabi, Urdu, English, Israeli/English.

Mr Duignan: What about Irish?

The Chair: The Irish are not on this list.

Mrs Y. O'Neill: That is \$50,000 you just read, right?

The Chair: That is \$50,000 for this list.

Mr Mammoliti: On a point of information, Mr Chairman: What has been the precedent in the past? What has been done in the past?

The Chair: Both have been done in the past.

Mr Mammoliti: All of this has been done?

The Chair: Both have been done, either the dailies and/or dailies and all of this. It is up to the committee.

Mr Drainville: Just a small thing: Obviously the subcommittee talked about this and I will go with whatever the committee decides, but I want to say as a member of Parliament for an area in which very often we do not get dailies that there are places in my riding that only get weekly newspapers, that it presents a bit of a problem just in getting the information that such a thing is being—I think that is significant, but I do not know what this committee wants to do with that. I realize that the cost factor is an important one and I do not know how to saw that off in a way that is fair to everyone concerned.

The Chair: We discussed that at the subcommittee and the problem there was we could not agree on which weeklies we would choose. For example, in my riding there are six weeklies and I could only agree to a situation where there would be ads in all six. I would not know how to choose one of the six or three of the six. It would not be fair.

Mr Drainville: For instance, I have one county which has two dailies and what I would say is they should have it in those two dailies. The other county gets all the other daily papers and what have you, so there is no problem, but one of the counties does not and it is not always easy to get information.

Mr Duignan: This was discussed at some length by the subcommittee and it was felt that the costs would be prohibitive. For example, in my riding I have six weekly newspapers as well and I think if you multiply that by 130, or fairly close to it, it would be a horrendous cost.

I did suggest that if we have an opportunity where we write columns every week in our local weekly newspapers, in one of those columns we would mention the fact that this process is ongoing and possibly get that information out that way.

Mrs Y. O'Neill: That will encourage those who do not write columns to write them.

Ms Poole: It is a difficult problem. You want to be fair and notify as many people as possible, but I think \$50,000 in a time of recession and economic downturn is just out of the question.

Mrs Y. O'Neill: That is the same as our travel budget.

Ms Poole: Exactly. What I would propose is that we do limit ourselves to the dailies for the most part but that perhaps we could take a cross-section of the ethnic groups, maybe the top four or five demographically

chosen ethnic groups where they have a substantial proportion, and limit ourselves to advertising there.

As far as the weeklies are concerned, I have quite a sympathy for those members who just simply do not have dailies in their areas. Do we have any kind of breakdown where they have weeklies only and no dailies available to the population base, or is that information just not available to us?

Clerk of the Committee: I would have to check with the advertising agency of record to see if it does.

Ms Poole: In an area like Windsor, which has dailies, I could not see justifying having it advertised in the weeklies. I could justify it in an area where they do not have any daily newspapers. If that breakdown is available, normally advertising in the weeklies is considerably cheaper than advertising in the Toronto Star, for instance, and it might not overwhelm our budget to include some of those weeklies.

Mr Turnbull: As has been mentioned on several occasions, this is temporary legislation and I think the people who are concerned about it are already reasonably well informed about the implications of this. I think that in a time of economic hardship we should not be spending \$50,000 which quite legitimately could be used towards helping poor people rather than advertising.

This is temporary legislation. We have been told by our friends in the NDP that they hope it is going to be a lot less than two years that this is going to apply. So let's not be spending \$50,000 for the ethnic press at this moment. Certainly when we get to the information which will be contained in the green paper, I think it is much more appropriate that we spend the money then.

Mr Duignan: Even if we find out that particular information, you still could end up with 60 ridings with weeklies in there. You have anywhere from four to six weeklies in one of the ridings and you would have to make a choice of which one you would have to put an ad in. You just could not afford to put it in them all. Those ads are still going to cost a minimum of \$200 each. If you multiply that by six, it is \$1,200, multiplied by 60, a fair amount of money.

Mr Drainville: I am just going to withdraw. I made the objection because I just wanted to make it, because I think it needed to be made. It is not a simple matter. There are fiscal restraints involved and I am backing off. I just wanted to make that statement. I think we needed to look at that, but I will follow the committee's direction on this.

The Chair: Can I suggest that the committee advertise in all Ontario daily newspapers, including *Le Droit*? The cost is in the neighbourhood of \$20,000.

Mr Duignan: On the ad itself?

The Chair: The same as what we showed the other day in the subcommittee.

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Mr Duignan: When it says the hearings will be held in Toronto, Thunder Bay, Sudbury, Ottawa and

Windsor, I wonder if you could add the words "and other areas as may be required."

Ms Poole: I actually had almost identical wording to propose. I had "and at other centres as required." I certainly do not have an objection to that.

The Chair: The only difficulty I have with that is my concern, as I expressed on several occasions this morning already, that I do not believe we are going to have enough time to do everything we want to do. Now we are raising expectations even higher by saying that we are not only going to go to Sudbury, Thunder Bay, Ottawa, Windsor, we may even go to other areas. With all due respect to the committee, people are going to look at me, as the Chairman, as to why this committee is not functioning properly. They are going to look at me as to why there are 100 people on the list who are not going to be heard.

Mr Mammoliti: Now we know who to blame.

The Chair: We do not have the time. I tried to give you the time.

Ms Poole: I can sympathize with what the Chair has said, because those are our four core centres. They are the only places I ever got to travel in the last three years. I knew the circuit quite well.

Part of the problem is sometimes, for instance, when the select committee went to Thunder Bay and Sudbury, we did not have enough presentations to fill up the date, particularly on an issue like this, which is primarily going to have quite an effect on the urban centres. I suspect you will probably get people from the north who will be basically saying: "Why do we need this province-wide legislation when we're from the north and we don't have the problems. You're foisting this on us." That will probably be the tone.

Why do we not just put something in like, "the committee will travel as may be required" and not put any centres in? Then if we find that we have 50 presentations from London and two from Sudbury, that will dictate. The other option the committee has is to say to the two people from Sudbury that it costs a lot less to pay for their travel expenses here than it does for 15 people.

Interjections.

The Chair: Order, please. We have to wrap this up by 1:30 because the bells will be ringing again. This is not an intrinsic point here. Can we just not adopt what the subcommittee thrashed out thoroughly?

Mrs Y. O'Neill: You have to let people know some of the thoughts we had.

Mr Duignan: You are right, if we only get two from Thunder Bay and we get 50 or 100 from London or other areas like that, we should maybe be a little flexible. But I am willing to go with the way it is right now.

Mr Bisson: Just to get on the record on one thing, I agree with the recommendations of the subcommittee, but just one point in regard to what Ms Poole was saying. I understand what she is saying, but it costs money to run a democracy and democracy means that

people need to be heard. If that is in northern Ontario or southern Ontario or east or west, so be it. If it is only two people in Sudbury or three people in Thunder Bay, they deserve to be heard, and that is basically what we need to do over here.

Mr Drainville: We can bring them down.

Mr Bisson: When anybody riles me about the north, all of a sudden I just get all excited. I am sorry.

Mr Turnbull: I respect what Gilles is saying, that obviously people in the north do get annoyed at being ignored. If we find that numbers are insufficient in an area, surely it is going to be cheaper for us to fly the people down or, alternatively, arrange for videoconferencing with these people so that their views can be heard and we are not wasting government money. That would be my suggestion and that can be done within the committee by a simple decision.

The Chair: It is interesting that we are making arrangements to hear more people.

Ms Poole: I just want to reassure Mr Bisson that I was not saying we should not travel to the north. I come from Matheson; so am I going to tell people not to travel?

Mr Bisson: You are the one?

Ms Poole: I am the one. I am from Matheson.

Mr Bisson: Great, right in my riding. If you have a problem come and see me.

Ms Poole: I certainly am not going to suggest that. I am just saying that from experience we have found that on certain issues there is much less of an interest, and that whether it be from Windsor or wherever it has been cheaper to fly them to Toronto and then to continue our committee hearings in areas of greater interest.

We would have to make that decision, probably our subcommittee would make it, once we see how many we have from each area, but it should be something the committee is aware may happen if there is not enough demand. If our committee has to hear a number of presentations or deny a number of presentations from other areas, we may have to make those hard decisions.

Mr Bisson: One of the ways that you foster interest—

Mr Duignan: Just to wrap it up, if we go with these areas on this particular discussion, we would look at going to other areas other than these just to broaden the scope around the province.

The Chair: I agree with you. We should go to other areas. I caution the committee that I doubt time will allow that.

Ms Poole: I brought up a matter earlier on which you asked me to wait. I will try to make it very brief. I would like to propose that should the committee require additional time to complete the report on the discussion paper, we go to the House leaders once the House is in session and request extra time for the committee so that this could be completed. From our discussion with the

government House leader, I do not think this is a problem but I felt it should be on the record.

Second, I would recommend that hearings on the consultation paper be by invitation and that members provide a list as soon as possible to the clerk as to the umbrella groups that they feel it would be appropriate for us to invite.

The third was just that I thought the dates mentioned in the ad were too generous, that briefs should be deposited by Monday 25 February. If we are going into clause-by-clause on 18 February, it is not much help to get briefs after we have completed the clause-by-clause, and second, that I think appointments should be in to the clerk for oral presentations no later than Friday 25 January, because otherwise I think we are leading people to have expectations that if they call on 7 February, they will be able to get on and it just appears it is not going to be true.

The Chair: We have noted those suggestions.

Mrs Y. O'Neill: I would speak to those remarks.

I am having difficulty with this paper that I have not seen, nor anyone else, taking precedence in this committee. I feel we should be getting our discipline in order by saying we give it two weeks. If we are going to now say extra time then that means, in my opinion, and I hope in the opinion of this committee, that extra time comes after the two 12 hours. The two 12 hours, unless we change the schedule of this committee, are now into May.

I have heard that this committee is not the only group that is going to be asked to look at this green paper. I feel that if we devote two weeks, that is a long time for a committee to devote to anything.

Mr Duignan: I understand that, but we have agreed to a motion to do just that.

Mrs Y. O'Neill: Is this an amendment to the amendment that passed? I did not hear this amendment to the amendment.

The Chair: We agreed to—

Mr Duignan: What I mean is we have already reached agreement on the time we are going to spend.

The Chair: We agreed that—

Mrs Y. O'Neill: You are agreeing to the dates for the 12 hours.

The Chair: Yes, it is already in the motion.

Mrs Y. O'Neill: Okay, well this is something entirely new. I have a lot of difficulty with this because we are now asking for additional time for two things and this one is not written down. I think we should, as a committee, decide right now that we give two hours to the green paper. If we want to discuss that again in April, I am willing to do that, but right now I do not think we should be even thinking about talking about extra time for the two weeks we are devoting to a paper that we have not yet seen.

Mr Duignan: I believe we have a motion on the floor that we agreed to and we should stick with that for the moment.

Mrs Y. O'Neill: Okay, that is good then.

The Chair: As chairman, I believe we have concluded all of the business.

Mr Mammoliti: On a point of privilege, Mr Chairman: I am really sorry; it is only going to take two seconds. I think the new people on the committee would like to know, as well as myself—as you stated earlier, family time is very important. While we are travelling, I would like to ask the clerk that if possible, where possible I would like to have my family come out. I would like to know the procedure for that. Maybe the clerk's

office can explain how this comes about. I do not know; I am asking. It is very important for me.

The Chair: I will ask the clerk to answer all your questions on that particular matter.

I want to say to the full committee that as far as I am concerned, we have now adopted report 3 of the subcommittee of Thursday 13 December, with some amendments. We are going to be starting our work early in January. Thank you for your co-operation and have a nice holiday.

The committee adjourned at 1331.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair: Mancini, Remo (Essex South L)**Vice-Chair:** Brown, Michael A. (Algoma-Manitoulin L)

Abel, Donald (Wentworth North NDP)

Bisson, Gilles (Cochrane South NDP)

Drainville, Dennis (Victoria-Haliburton NDP)

Duignan, Noel (Halton North NDP)

Harrington, Margaret H. (Niagara Falls NDP)

Mammoliti, George (Yorkview NDP)

Murdoch, Bill (Grey PC)

O'Neill, Yvonne (Ottawa Rideau L)

Scott, Ian G. (St George-St. David L)

Turnbull, David (York Mills PC)

Substitution: Poole, Dianne (Eglinton L) for Mr Scott**Clerk:** Deller, Debbie**Staff:**

Richmond, Jerry, Research Officer, Legislative Research Service

Yeager, Lewis, Research Officer, Legislative Research Service

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